

IN THE MATTER OF THE
THE APPLICATION OF
ROBERT ANDREWS, ET AL
FOR A SPECIAL HEARING AND
VARIANCES ON PROPERTY LOCATED
ON THE NORTH SIDE KING AVENUE,
180' EAST OF C/L OF HILLTOP
AVENUE (4812-4816 KING AVE.)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-468-SPHA

OPINION

This case comes before this Board on two appeals from a decision of the Zoning Commissioner denying all the requested variances. Charles and Virginia Holleman appealed the Zoning Commissioner's Order as to the variance portion only. Robert J. Andrews appealed from the Zoning Commissioner's Order on both the variance and the special hearing. The case was heard this day in its entirety.

A brief history of the subject sites would indicate that the original property owned by Atkins contained some 2.83 acres and was known as 4816 King Avenue, and had an existing dwelling situated upon it. In November 1983 the property was subdivided into three lots, shown on Petitioner Hollemans' exhibit as Lots 1, 2 and 3. Atkins retained ownership of Lot 2, and sold Lot 3 to Clary and Lot 1 to Andrews. In September 1989 Andrews subdivided his lot into Lots 1 and 1A; Atkins subdivided his lot (Lot 2) into Lots 2 and 2A. Atkins then retained ownership of Lot 2A and sold Lot 2 to the Hollemans. By Case No. 84-47-A, Lot 1 was granted variances for side yard setbacks of 10 feet on the east side and 15 feet on the west side in lieu of the required 35 feet for a window to tract boundary. Andrews now proposes to sell Lot 1A to Dominic C.

Case No. 91-468-SPHA Robert Andrews, et al
Martino, Jr., if all the requirements necessary to obtain a building permit are forthcoming.

Before the Zoning Commissioner, Andrews petitioned for variances to permit a window to tract boundary of 15 feet and 10 feet on Lot 1A in lieu of the required 35 feet and 15 feet. This created concern for the neighbors and they evidenced their fears before the Zoning Commissioner. In opening statement before the Board, Counsel for Petitioner Andrews presented an agreement signed by a number of the neighbors in which he notes that all the requests for the variances for Lots 1 and 1A to be withdrawn, this being the principal objection from the neighbors. This agreement was entered as Petitioner Andrews Exhibit No. 4. It was further agreed that any proposed dwelling erected on Lot 1A would comply with all Baltimore County regulations, would have no windows on the sides of the proposed dwelling, and would be built so as to be compatible with the existing homes on Hilltop Avenue.

Two witnesses testified that they had no objection to the building of a house on Lot 1A, as long as no variances were needed and as long as a minimum of the existing trees was removed. Since no appeal was taken by Andrews for a special hearing to amend the variances granted in Case No. 84-47-A, and since, through their attorney, Andrews has requested that the variances granted in Case No. 84-47-A remain in effect, no amendment to same was proposed. It will, however, be noted that the Andrews intend to remove the windows from the east side of their house so that no variance for window to tract boundary is necessary. This is clearly stated on

Case No. 91-468-SPHA Robert Andrews, et al
Petitioner Andrews Exhibit No. 1. The designation of the 20-foot right-of-way as shown on Petitioner Andrews Exhibit No. 1 to provide access to Lots 1A and 2A has, however, created a need for variance on the Hollemans' property known as 4816. During the subdivision process, the property line encroached too close to 4816. The Hollemans are requesting a variance from the required 15 feet to the 12 feet that actually exists between the edge of their building and the edge of the proposed right-of-way. Testimony to all these facts was received from Robert J. Andrews, the property owner of 4812; Stephen K. Broyles, the Engineer and developer consultant who prepared Petitioner Andrews Exhibit No. 1; from Virginia and Charles Holleman, owners of 4816; Paul Lee, an expert in land surveying and land planning; and Dorothy Frado and Melvin Inners, neighboring property owners. The record will indicate that Mr. & Mrs. Walter Clary originally opposed the proposal for this site but were not present at this hearing.

From the testimony and evidence received, the Board is of the opinion that its Order must address the following aspects:

1. That the variances requested as they apply to Lot 1A be denied since it is so stated on Petitioner Andrews Exhibit No. 4. The removal of the windows from the east side of the property known as 4812 negates any need for a variance there. The 15-foot variance on the west side of the existing dwelling at 4812 as was granted in Case No. 84-47-A remains.
2. That the variance to permit a side yard setback of 12 feet in lieu of the required 15 feet as created by the 20-foot right-of-way to the two rear lots shall be granted on the property known as 4816 King Avenue.

ORDER

IT IS THEREFORE this 15th day of September, 1992 by the County Board of Appeals of Baltimore County

Case No. 91-468-SPHA Robert Andrews, et al
ORDERED that the variances requested as they apply to Lot 1A be and are hereby DENIED since it is so stated on Petitioner Andrews Exhibit No. 4. The removal of the windows from the east side of the property known as 4812 negates any need for a variance there. The 15-foot variance on the west side of the existing dwelling at 4812 as was granted in Case No. 84-47-A shall remain; and it is further

ORDERED that the variance requested on the property known as 4816 King Avenue to permit a side yard setback of 12 feet in lieu of the required 15 feet as created by the 20-foot right-of-way to the two rear lots be and is hereby GRANTED; and it is further

ORDERED that any development on the subject site shall be in strict compliance with the site plan entered as Petitioner Andrews Exhibit No. 1.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Michael B. Sauer

S. Diane Levero

IN RE: PETITION FOR SPECIAL *
HEARING ZONING VARIANCE *
N/S King Ave., 180 ft. *
Ely of C/L of Hilltop *
Avenue *
4812-4816 King Avenue *
14th Election *
District, 6th *
Councilmanic District *
Robert Andrews, et ux, *
Legal Owners *
Dominic C. Martino, Jr. *
Contract Purchaser *
Petitioners *

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 91-468-SPHA *

ORDER FOR APPEAL

Mr. Commissioner:

Now comes Charles and Virginia Holleman, by S. Eric Dinenna, Francis X. Borgerding, Jr. and Dinenna and Breschi, and enter an Order for Appeal from the Decision of the Zoning Commissioner dated September 11, 1991.

S. ERIC DINENNA

FRANCIS X. BORGERDING, JR.
DINENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(301) 296-6820
Attorneys for Charles & Virginia
Holleman

RECEIVED
OCT 4 1991

ZONING OFFICE

* VARIANCE PORTION APPEALED ONLY.
(DENYING HOLLEMAN'S LOT #2)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of October, 1991, a copy of the foregoing Order for Appeal was mailed, postage prepaid to People's Counsel for Baltimore County, Court House, Towson, Maryland 21204, Anthony J. DiPaula, Esquire, 614 Bosley Avenue, Towson, Maryland 21204 and to John V. Murphy, Esquire, 14 N. Rolling Road, Catonsville, Maryland, 21228.

S. ERIC DINENNA

IN RE: PETITION FOR SPECIAL HEARING
ZONING VARIANCE
N/S King Ave., 180 ft. Ely of
C/L of Hilltop Avenue
4812-4816 King Avenue
14th Election District
6th Councilmanic District
Robert Andrews, et ux,
Charles F. Holleman, et ux
Legal Owners
Dominic C. Martino, Jr.,
Contract Purchaser
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-468-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein requests, pursuant to the Petition for Special Hearing, approval to amend the variances granted in case No. 84-47-A, and pursuant to Petition for Zoning Variance, variances from Section 1801.2.C.2.a and 1801.2.C.6 (CMDFV.B.5.A) of the Baltimore County Zoning Regulations to permit a window to tract boundary of 15 ft. in lieu of the required 35 ft. (Lot 1A) and Section 1801.2.C.6 (CMDFV.B.6.b) of the B.C.Z.R. to allow window to property line distances of 10 ft. (Lot 1) 10 ft. (Lot 1A) and 12 ft. (Lot 2) in lieu of the required 15 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, by Robert J. Andrews, appeared, testified and were represented by Anthony J. DiPaula, Esquire. Petitioners, Charles and Virginia Holleman appeared and testified pro se. Also appearing on behalf of the Petition were Dominic Martino, Charles M. Holleman and Ronald M. Kearney, Professional Surveyor. Appearing as Protestants were Walter and Peggy Clary by John V. Murphy, Esquire, Fred and Ida Gibson, Evelyn Royahn, Melvin and Clara Inners, Antoinette K. Schuitz, Harry and Janet Herman, Edwin and Dorothy Frado and Robert L. Mann, Sr.

CHECK RECEIVED FOR FILING
By [Signature]

Testimony indicated that the subject property known as 4812-4816 King Avenue are currently improved with single family homes, as indicated on Petitioners' Exhibit No. 1, zoned D.R.3.5.

Proffered testimony indicated that the Petitioners are desirous of obtaining setback variance relief to accommodate the subdivision indicated on Petitioners' Exhibit No. 1.

Pursuant to case No. 84-47-A, the original "Atkins" parcel was subdivided, creating lots 1, 2 and 3. Said lots (now the Andrews, Holleman and Clary properties respectively), originally made up the 2.83 acre parcel formerly known as the "Atkins" property (see Petitioners' Exhibit No. 1.)

In 1989, lots 1 and 2 were subdivided, via the minor subdivision process, and created lots 1A and 2A and the subject panhandle. Lot 1A is currently owned by the Andrews and Lot 2A is currently owned by the Clarys.

Robert Andrews testified that he and his wife have owned Lot 1 and 1A for approximately seven (7) years and have recently entered a contract of sale with Dominic C. Martino, Jr. for Lot 1A, said contract being contingent upon the granted of the requested variance relief. Mr. Andrews testified that he and his wife were unaware of the setback problems that were created as a result of the minor subdivision, and that they would suffer an undue hardship and practical difficulty should the requested relief be denied.

Dominic Martino, Jr., the Contract Purchaser of Lot 1A, testified that the house he desires to place on Lot 1A requires the granting of the requested variance relief. Mr. Martino testified that it is his desire to preserve as many of the mature trees on the subject lot as possible. He indicated that, in his opinion, Lot 1A could accommodate a home without the

ORDER RECEIVED FOR FILING
By [Signature]



111 West Chesapeake Avenue
Towson, MD 21204

July 18, 1991

887-3454

Anthony J. DiPaula, Esquire
614 Rosley Avenue
Towson, MD 21204

RE: Item No. 461, Case No. 91-468-SPH
Petitioner: Robert J. Andrews, et al
Petition for Special Hearing and
Zoning Variance

Dear Mr. DiPaula:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Robert J. Andrews
Dominic C. Martino, Jr.



111 West Chesapeake Avenue
Towson, MD 21204

887-3454

Your petition has been received and accepted for filing this
12th day of June, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert J. Andrews, et al

Petitioner's Attorney: Anthony J. DiPaula

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 22, 1991
Zoning Administration and
Development Management

FROM: Pat Koller, Deputy Director
Office of Planning and Zoning

SUBJECT: Andrews Property, Item No. 91-468-SPHA

In reference to the Motion for ~~reconsideration~~ ^{reconsideration}, the Office of Planning offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

SHELL/TXTROZ



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

JULY 24, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT J. ANDREWS

Location: #4812-4816 KING AVENUE

Item No.: 461 Zoning Agenda: JUNE 11, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. Joseph Kelly* 7-24-91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/EEK

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 25, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 11, 1991

This office has no comments for items number 452, 454, 455, 456, 457, 461, 462 and 466.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

JULY 24, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT J. ANDREWS

Location: #4812-4816 KING AVENUE

Item No.: 461 Zoning Agenda: JUNE 11, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. Joseph Kelly* 7-24-91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 19, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 11, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 452, 454, 456, 457, 462 and 466.

For Items 455 and 461, a County Review Group Meeting may be required for these sites.

Robert W. Bowling
Robert W. Bowling, P.E., Chief,
Developers Engineering Division

RWB:s

Aug 13th 1991 468-SPH

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3553

September 4, 1991

Anthony J. DiPaula, Esquire
614 Bosley Avenue
Towson, Maryland 21204

John V. Murphy, Esquire
14 N. Rolling Road
Catonsville, Maryland 21228

RE: Petitions for Special Hearing and Zoning Variance
Dominic C. Martino, Jr., Contract Purchaser
Robert J. Andrews, et al, Legal Owners, Petitioners
Case #91-468-SPHA

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn

att.

cc: Peoples Counsel
cc: Petitioners
cc: Protestants

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 9, 1992

John V. Murphy, Esquire
14 N. Rolling Road
Catonsville, Maryland 21228

Norman R. Stone, Jr., Esquire
Professional Building
6905 Dunmanway
Dundalk, Maryland 21222

Francis X. Borgerding, Jr., Esquire
Suite 600
409 Washington Avenue
Towson, Maryland 21204

RE: Case No. 91-468-SPHA
4812 King Avenue
Robert J. and Janice G. Andrews

Dear Counsel:

This is in reference to the above captioned case. This matter has recently been brought to my attention by Mr. Borgerding with a request seeking clarification of the case's current status.

Upon my review of the file, it appears that the matter came before then Zoning Commissioner J. Robert Haines, on a Petition for Special Hearing and Zoning Variance. After a public hearing, he denied the requested relief as set forth within his Findings of Facts and Conclusions of Law dated September 11, 1991.

Subsequently, Mr. Stone, on behalf of his clients, Robert J. and Janice G. Andrews, filed a Request for Appeal and Motion for Reconsideration on October 4, 1991. Additionally, an Order for Appeal was filed by S. Eric DiNenna, Esquire and Francis X. Borgerding, Jr., Esquire, on October 4, 1991 on behalf of their clients, Charles and Virginia Holleman. The Appeal on behalf of Mr. and Mrs. Holleman was as to the denial of the Petition for Zoning Variance only.

John V. Murphy, Esquire
Norman R. Stone, Jr., Esquire
Francis X. Borgerding, Esquire
page 2....

Inexplicably, this matter was scheduled for hearing on the Motion for Reconsideration before the Zoning Commissioner on November 26, 1991. However, on that date, Mr. Haines was no longer the Zoning Commissioner, in that I had been appointed to that position approximately two months earlier. In any event, the hearing was generally continued due to the sudden death of Mr. Eric DiNenna.

In reviewing the file at this time, it is my opinion that jurisdiction no longer vests with the Zoning Commissioner. In that an appeal to the Baltimore County Board of Appeals has been filed, jurisdiction immediately attaches to that body. Thus, I will be unable to make any ruling on the Motion for Reconsideration. Rather, I shall immediately transmit the file to the Baltimore County Board of Appeals so that an appeal hearing may be scheduled. My decision in this regard is founded not only upon the jurisdictional issues addressed above, but, additionally, due to the fact that Mr. Haines is no longer the Zoning Commissioner. Clearly, I would be unable to reconsider one of his decisions, because I was not privy to the hearing before him. In that the Board's hearing will be on a de novo basis, it appears most appropriate for that body to assume jurisdiction of this case at this time.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Baltimore County Board of Appeals (with file)
cc: Appeals Clerk

County Council of Baltimore County
Court House, Towson, Maryland 21204

(301) 887-3196
Fax (301) 887-5791



COUNCIL

Berchie L. Manley
FIRST DISTRICT

Melvin G. Mintz
SECOND DISTRICT

Charles A. Rappenhoefer, III
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vince Gardina
FIFTH DISTRICT

William A. Howard, IV
SIXTH DISTRICT

Douglas C. Mason
SEVENTH DISTRICT

Thomas Toporovich
SECRETARY

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

Attached please find a copy of Resolution 33-91 concerning the public disclosure of Robert Andrews, an employee of the Baltimore County Fire Department.

This Resolution was unanimously approved by the County Council at their meeting on Monday, June 4, 1991 and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Acting Secretary

TJP:dp
Enclosure

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1991, LEGISLATIVE DAY NO. 12

RESOLUTION NO. 33-91

MR. WILLIAM A. HOWARD, IV, COUNCILMAN

BY THE COUNTY COUNCIL, JUNE 3, 1991

A RESOLUTION concerning the public disclosure of Robert Andrews, an employee of the Baltimore County Fire Department.

WHEREAS, Robert Andrews intends to file a request for a zoning variance for the construction of improvements to his existing home located in the Sixth Councilmanic District of Baltimore County; and

WHEREAS, this Resolution is intended to provide full public disclosure of his interest in the proceeding before the Zoning Commissioner under Section 22-11(d) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland that the filing of a zoning variance and related requests in connection therewith by Robert Andrews does not contravene the public welfare and is hereby authorized.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 27, 1992

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
N/S King Avenue, 180 ft. E of c/l of Hilltop Avenue
(4812-4816 King Avenue)
14th Election District, 6th Councilmanic District
ROBERT ANDREWS, ET UX - Petitioners
CHARLES F. HOLLEMAN, ET UX - Petitioners
DOMINIC MARTINO, JR. - Contract Purchaser
Case No. 91-468-SPHA

Dear Board:

These appeals were taken on October 4, 1992 and October 8, 1992. At that time your office was notified of the Motion for Reconsideration, a copy of our reply to that Motion is enclosed.

The appeal may proceed at this time.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:cer

Enclosures

cc: Robert & Janice Andrews, 4812 King Avenue, Balto., MD 21236

Charles & Virginia Holleman, 4816 King Avenue, Balto., MD 21236

Dominic Martino, 25 Coatsbridge Court, Balto., MD 21236

Ronald Kearney - KLS Consultants, Inc.
102 N. Main Street, Bel Air, MD 21014

Appeal Cover Letter - Case No. 91-468-SPHA
ROBERT J. ANDREWS, ET AL - Petitioners
CHARLES F. HOLLEMAN, ET UX - Petitioners
Dominic C. Martino, Jr. - Contract Purchaser
October 8, 1991
Page 2

Dominic Martino, 25 Coatsbridge Court, Balto., MD 21236

Ronald Kearney - KLS Consultants, Inc.
102 N. Main Street, Bel Air, MD 21014

S. Eric DiNenna, Esquire and Francis X. Borgerding, Jr.
DiNenna and Breschi, 409 Washington Ave., Towson, MD 21204

Norman R. Stone, Jr. - Howard and Stone
6905 Dunmanway, Dundalk, Maryland 21222

Walt & Peggy Clary, 4818 King Avenue, Balto., MD 21236

John V. Murphy, Esquire, 14 N. Rolling Rd, Catonsville, MD 21228

Fred & Ida Gibson, 4813 King Avenue, Balto., MD 21236

Evelyn Royahn, 7905 Hilltop Avenue, Balto., MD 21236

Melvin & Clara Inners, 7903 Hilltop Avenue, Balto., MD 21236

Antoinette Schultz, 7911 Hilltop Avenue, Balto., MD 21236

Harry & Janet Herman, 4907A Linda Avenue, Balto., MD 21236

Edwin & Dorothy Prado, 7909 Hilltop Avenue, Balto., MD 21236

Robert L. Mann, Sr., 7907 Hilltop Avenue, Balto., MD 21236

People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, Md. 21204

File

2/6/92 - Following parties notified of hearing set for April 15, 1992 at 10:00 a.m.:

Francis X. Borgerding, Jr., Esquire
Charles and Virginia Holleman
Norman R. Stone, Jr., Esquire
Robert and Janice Andrews
Mr. Dominic Martino
Mr. Ronald Kearney
Mr. and Mrs. Walt Clary
John V. Murphy, Esquire
Mr. and Mrs. Fred Gibson
Ms. Evelyn Royahn
Mr. and Mrs. Melvin Inners
Ms. Antoinette Schultz
Mr. and Mrs. Harry Herman
Mr. and Mrs. Edwin Prado
Mr. Robert L. Mann, Sr.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of
Zoning Administration

3/26/92 -Request for Postponement received from Norman R. Stone, Jr., citing legislative privilege /Maryland Legislative Session.

4/3/92-Above parties notified of POSTPONEMENT and REASSIGNMENT to July 22, 1992 at 10:00 a.m. at the request of Counsel for Petitioner/Appellant.

4/09/92 -Request for postponement from Jack Murphy on behalf of his clients (protestants in this case); scheduled to be out of town during period of 7/22/92.

4/16/92 -Letter from WTH to J. Murphy DENYING postponement request; to be heard on 7/22/92 as scheduled.

October 8, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
N/S King Avenue, 180 ft. E of c/l of Hilltop Avenue
(4812-4816 King Avenue)
14th Election District, 6th Councilmanic District
ROBERT ANDREWS, ET UX - Petitioners
CHARLES F. HOLLEMAN, ET UX - Petitioners
DOMINIC MARTINO, JR. - Contract Purchaser
Case No. 91-468-SPHA

Dear Board:

Please be advised that two (2) separate appeals of the above-referenced case have been filed in this office as follows:

On October 4, 1991 by S. Eric DiNenna and Francis X. Borgerding, Jr., Attorneys on behalf of Charles & Virginia Holleman (Variance portion appealed only).

On October 8, 1991 by Norman R. Stone, Jr., Attorney on behalf of Robert J. Andrews (Both Variance and Special Hearing appealed).

All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:cer

Enclosures

cc: Robert & Janice Andrews, 4812 King Avenue, Balto., MD 21236

Charles & Virginia Holleman, 4816 King Avenue, Balto., MD 21236

Appeal Cover Letter - Case No. 91-468-SPHA
ROBERT J. ANDREWS, ET AL - Petitioners
CHARLES F. HOLLEMAN, ET UX - Petitioners
Dominic C. Martino, Jr. - Contract Purchaser
October 8, 1991
Page 2

Dominic Martino, 25 Coatsbridge Court, Balto., MD 21236

Ronald Kearney - KLS Consultants, Inc.
102 N. Main Street, Bel Air, MD 21014

S. Eric DiNenna, Esquire and Francis X. Borgerding, Jr.
DiNenna and Breschi, 409 Washington Ave., Towson, MD 21204

Norman R. Stone, Jr. - Howard and Stone
6905 Dunmanway, Dundalk, Maryland 21222

Walt & Peggy Clary, 4818 King Avenue, Balto., MD 21236

John V. Murphy, Esquire, 14 N. Rolling Rd, Catonsville, MD 21228

Fred & Ida Gibson, 4813 King Avenue, Balto., MD 21236

Evelyn Royahn, 7905 Hilltop Avenue, Balto., MD 21236

Melvin & Clara Inners, 7903 Hilltop Avenue, Balto., MD 21236

Antoinette Schultz, 7911 Hilltop Avenue, Balto., MD 21236

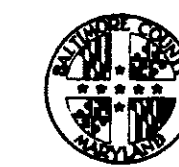
Harry & Janet Herman, 4907A Linda Avenue, Balto., MD 21236

Edwin & Dorothy Frado, 7909 Hilltop Avenue, Balto., MD 21236

Robert L. Mann, Sr., 7907 Hilltop Avenue, Balto., MD 21236

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 16, 1992

John V. Murphy, Esquire
14 N. Rolling Road
Catonsville, MD 21228

Re: Case No. 91-468-SPHA
Robert Andrews, et al

Dear Mr. Murphy:

We are in receipt of your letter dated April 7, 1992 requesting a postponement of the subject matter scheduled for hearing on Wednesday, July 22, 1992.

The appeals in this case were taken in October 1991 and the matter has been pending since. The postponement granted on the premise of legislative privilege is dictated by law, and the Board had no choice but to grant that postponement. A further postponement at this date would have this matter, in our estimation, pending before the Board an excessive amount of time.

The Board will therefore deny your request for postponement and suggest that all interested parties arrange their schedules so that this case may be heard as scheduled.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

cc: Mr. Walter Clary
Norman R. Stone, Jr., Esquire
Francis X. Borgerding, Jr., Esquire

APPEAL

Petition for Special Hearing and Zoning Variance
N/S King Avenue, 180 ft. E of c/l of Hilltop Avenue
(4812-4816 King Avenue)
14th Election District - 6th Councilmanic District
ROBERT ANDREWS, ET UX AND CHARLES F. HOLLEMAN, ET UX - Petitioners
Case No. 91-468-SPHA

Petition(s) for Special Hearing and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None Submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's Exhibits: 1. Plat to accompany petition

2A & 2B - Plats to accompany Descriptions

Protestant's Exhibits: 1. Photographs

2. Letter of opposition from property owners.

Zoning Commissioner's Order dated September 11, 1991 (Denied)

1. Notice of Appeal received October 4, 1991 from S. Eric DiNenna and Francis X. Borgerding, Jr., Attorneys on behalf of Charles & Virginia Holleman. (Variance portion appealed only).

2. Notice of Appeal received October 8, 1991 from Norman R. Stone, Jr., Attorney on behalf of Robert J. Andrews. (Both Variance and Special Hearing appealed)

cc: Robert & Janice Andrews, 4812 King Avenue, Balto., MD 21236

Charles & Virginia Holleman, 4816 King Avenue, Balto., MD 21236

Dominic Martino, 25 Coatsbridge Court, Balto., MD 21236

Ronald Kearney - KLS Consultants, Inc.
102 N. Main Street, Bel Air, MD 21014

S. Eric DiNenna, Esquire and Francis X. Borgerding, Jr.
DiNenna and Breschi, 409 Washington Ave., Towson, MD 21204

Walt & Peggy Clary, 4818 King Avenue, Balto., MD 21236

John V. Murphy, Esquire, 14 N. Rolling Rd, Catonsville, MD 21228

Fred & Ida Gibson, 4813 King Avenue, Balto., MD 21236



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315 - OLD COURTHOUSE
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
400 WASHINGTON AVE.

Hearing Room - Room 48, 400 (301) 887-3180
Washington Avenue, Old Courthouse, Basement

February 6, 1992

NOTICE OF ASSIGNMENT

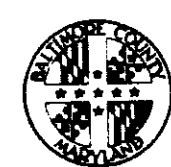
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c). COUNTY COUNCIL BILL NO. 59-79

CASE NO. 91-468-SPHA ROBERT ANDREWS, ET AL
N/s King Ave., 180' E of c/l of Hilltop Ave. (4812-4816 King Ave.)
14th E, 6th C
SPH-Amend var. granted in 84-47-A;
VAR-window to tract boundary 15' in lieu of 35';
VAR-window to property line distance 10', 10' and 12' in lieu of 15'

9/11/91 - Z.C.'s Order DENYING Petitions.

ASSIGNED FOR: WEDNESDAY, APRIL 15, 1992 at 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire - Counsel for Hollemans
Charles and Virginia Holleman - Petitioners/Appellants
Norman R. Stone, Jr., Esquire - Counsel for Andrews
Robert and Janice Andrews - Petitioners/Appellants
Mr. Dominic Martino
Mr. Ronald Kearney
Mr. and Mrs. Walt Clary
John V. Murphy, Esquire
Mr. and Mrs. Fred Gibson
Ms. Evelyn Royahn
Mr. and Mrs. Melvin Inners
Ms. Antoinette Schultz
Mr. and Mrs. Harry Herman
Mr. and Mrs. Edwin Frado
Mr. Robert L. Mann, Sr.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of
Zoning Administration
LindaLee M. Ruzsmaul - Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48, 400 (410) 887-3180
Washington Avenue, Old Courthouse, Basement

April 3, 1992

NOTICE OF POSTPONEMENT AND REASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c). COUNTY COUNCIL BILL NO. 59-79

CASE NO. 91-468-SPHA ROBERT ANDREWS, ET AL, N/s King Ave., 180' E of c/l of Hilltop Ave. (4812-4816 King Ave.) 14th E, 6th C
SPH-Amend var. granted in 84-47-A;
VAR-window to tract boundary 15' in lieu of 35';
VAR-window to property line distance 10', 10' and 12' in lieu of 15';
9/11/91 - Z.C.'s Order DENYING Petitions.

which was scheduled for hearing on April 15, 1992 has been POSTPONED at the request of Norman R. Stone, Jr., Esquire, Counsel for Petitioner/Appellant in accordance with Maryland Annotated Code, Courts Article, Section 6-402, to date after adjournment of Maryland Legislative Session and has been:

REASSIGNED FOR: WEDNESDAY, JULY 22, 1992 at 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esquire - Counsel for Hollemans
Charles and Virginia Holleman - Petitioners/Appellants
Norman R. Stone, Jr., Esquire - Counsel for Andrews
Robert and Janice Andrews - Petitioners/Appellants
Mr. Dominic Martino
Mr. Ronald Kearney
Mr. and Mrs. Walt Clary
John V. Murphy, Esquire
Mr. and Mrs. Fred Gibson
Ms. Evelyn Royahn
Mr. and Mrs. Melvin Inners
Ms. Antoinette Schultz
Mr. and Mrs. Harry Herman
Mr. and Mrs. Edwin Frado
Mr. Robert L. Mann, Sr.
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon-Director of
Zoning Administration

LindaLee M. Ruzsmaul - Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 15, 1992

Francis X. Borgerding, Jr., Esquire
DINENNA AND BRESCHI
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: Case No. 91-468-SPHA
Robert Andrews, et al

Dear Mr. Borgerding:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. & Mrs. Charles Holleman
Norman R. Stone, Esquire
Mr. & Mrs. Robert Andrews
Mr. Dominic Martino
Mr. Ronald Kearney
Mr. & Mrs. Walt Clary
John V. Murphy, Esquire
Mr. & Mrs. Fred Gibson
Ms. Evelyn Royahn
Mr. & Mrs. Melvin Inners
Ms. Antoinette Schultz
Mr. & Mrs. Harry Herman
Mr. & Mrs. Edwin Frado
Mr. Robert L. Mann, Sr.
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.

Docket Clerk /Zoning
Arnold Jablon, Director of
Zoning Administration

APPEAL

Petition for Special Hearing and Zoning Variance
N/S King Avenue, 180 ft. E of c/l of Hilltop Avenue
(4812-4816 King Avenue)
14th Election District 6th Councilmanic District
ROBERT ANDREWS, ET UX AND CHARLES F. HOLLEMAN, ET UX - Petitioners
Case No. 91-468-SPHA

Petition(s) for Special Hearing and Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None Submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments (Included with ZAC Comments)
Petitioner's Exhibits: 1.
Zoning Commissioner's Order dated ()
1. Notice of Appeal received October 4, 1991 from S. Eric DiNenna and Francis X. Borgerding, Jr., Attorneys on behalf of Charles & Virginia Holleman. (Variance portion appealed only).
2. Notice of Appeal received October 8, 1991 from Norman R. Stone, Jr., Attorney on behalf of Robert J. Andrews. (Both Variance and Special Hearing appealed)

cc: Robert & Janice Andrews, 4812 King Avenue, Balto., MD 21236
Charles & Virginia Holleman, 4816 King Avenue, Balto., MD 21236
Dominic Martino, 25 Coatsbridge Court, Balto., MD 21236
Ronald Kearney - KLS Consultants, Inc.
102 N. Main Street, Bel Air, MD 21014
S. Eric DiNenna, Esquire and Francis X. Borgerding, Jr.
DiNenna and Breschi, 409 Washington Ave., Towson, MD 21204
Walt & Peggy Clary, 4818 King Avenue, Balto., MD 21236
John V. Murphy, Esquire, 14 N. Rolling Rd, Catonsville, MD 21228
Fred & Ida Gibson, 4813 King Avenue, Balto., MD 21236
Evelyn Royahn, 7905 Hilltop Avenue, Balto., MD 21236
Melvin & Clara Inners, 7903 Hilltop Avenue, Balto., MD 21236
Antoinette Schultz, 7911 Hilltop Avenue, Balto., MD 21236
Harry & Janet Herman, 4907A Linda Avenue, Balto., MD 21236

Appeal Checklist - Case No. 91-468-SPHA
ROBERT ANDREWS, ET UX AND CHARLES F. HOLLEMAN, ET UX - Petitioners
October 8, 1991
Page 2

Edwin & Dorothy Prado, 7909 Hilltop Avenue, Balto., MD 21236
Robert L. Mann, Sr., 7907 Hilltop Avenue, Balto., MD 21236

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

CHARLTON T. HOWARD
NORMAN R. STONE, JR.

LAW OFFICES
HOWARD AND STONE
PROFESSIONAL BUILDING
6905 DUNMANWAY
DUNDALK, MARYLAND 21222

October 4, 1991

Mr. Arnold Jablon
Director
Office of Zoning Administration and Development Management
Office of Planning & Zoning
Baltimore County Government
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Motion for Reconsideration
Case Number 91-468-SPHA
4812 King Avenue
Robert J. Andrews & Janice G. Andrews

MOTION FOR RECONSIDERATION

I am requesting that the " Findings of Fact and Conclusion of Law" for Case Number 91-468-SPHA be reconsidered on behalf of my clients Robert J. Andrews & Janice G. Andrews. The request is to amend the variances granted in Case Number 84-47-A for lots 1 and 1A as shown on the attached "Red lined" site plan and to withdraw all requested variances for lots 1 and 1A. The project has been revised to comply with zoning setback requirements on lots 1 and 1A.

The project revisions reflected on the attached site plan are as follows:

- The west or side setback for lot 1A will be a dwelling to tract boundary of 30 feet with no windows allowed on that side of the dwelling.
- The east or side setback for lot 1A will be 10 feet with no windows allowed on that side of the dwelling.
- The east or side setback for the existing dwelling on lot 1 will be 10 feet and the existing windows will be removed and the windows will be replaced in kind. The required work for removing the windows will be done under a alteration building permit and will conform to all applicable building codes, fire codes and regulations including, 1990 CABO One and Two Family Building Code and 1988 NFPA 101 Life Safety Code.

NEW DO
ASSESSORS TO PCC
- JACK MURPHY POSTAWED

October 4, 1991 Motion for Reconsideration Case No. 91-468-SPHA
When reviewing this case please consider the following items:

- Lots 1 and 1A are existing lots of record and were recorded among the Land Records of Baltimore County on October 25, 1989.
- All requested setback variances for lots 1 and 1A are being withdrawn. By withdrawing the variances the concerns of all of the protestants that testified at the hearing are being addressed.
- Mr. and Mrs. Andrews have gone to great effort to consult with their neighbors and the local community to identify problems with this project. The Andrews' have revised the project to address the neighbors concerns. Furthermore they have exceeded some development requirements such as offering to replant trees removed in a effort to mitigate the minor impact of this project.
- Strict compliance with the original variance case No. 84-47-A would unreasonably prevent the use of the property for the permitted purpose, building a dwelling on a lot of record.
- Amending the original variance case No. 84-57-A to included lot 1A with no additional variances would not do substantial injustice to the other property owners. The protestants testifying against this project stated the were opposed to the granting of variances. These variances have been withdrawn on lots 1 and 1A. Further more eleven contiguous property owners signed a letter of no objection for the project as revised.
- Amending the original variance case No. 84-57-A to included lot 1A with no additional variances would be within the spirit and intent of the Baltimore County Zoning Regulations. The project as revised will observe and secure public safety and welfare by conforming to all required regulations.

Thank you for your consideration in this matter. If you have any questions do not hesitate to call me.

Very Truly Yours
Norman R. Stone Jr.

current jobs/andrzonl.var

Zoning Commissioner 9-27-91 Case No. 91-468-SPHA

We the undersigned have been informed by Mr. and Mrs. Andrews of the following revisions and changes.

- All requests for variance for Lot 1 and Lot 1A are being withdrawn.
- The undersigned have no objection to one home only being built on lot 1A. This home will meet all Baltimore County zoning setbacks and will not overcrowd lot 1A.
- Mr. and Mrs. Andrews agree that the proposed home will be comorable to the existing homes on Hilltop Ave.
- Mr. and Mrs. Andrews agree that they will preserve as many trees on lot 1A as possible.
- Mr. and Mrs. Andrews agree that they will plant two trees for each tree that must be removed. The location of the new trees to be designated by adjacent neighbors.

Charles L. Holleman 4816 King Ave 882-6603
Virginia J. Holleman 4816 King Ave 882-6603
John M. Johns 4902 Linda Ave 661-0498
Dorothy L. Prado 7909 Hilltop Ave 668-8121
Robert L. Mann 7907 Hilltop Ave 668-8121
Edwin W. Prado 7909 Hilltop Ave 668-8121
Antoinette D. Schultz 7911 Hilltop Ave 668-8121
Michael J. Quinn 7913 Hilltop Ave 668-8121
Angela R. M. Quinn 7913 Hilltop Ave 668-8121

Zoning Commissioner 9-27-91 Case No. 91-468-SPHA

We the undersigned have been informed by Mr. and Mrs. Andrews of the following revisions and changes.

- All requests for variance for Lot 1 and Lot 1A are being withdrawn.
- The undersigned have no objection to one home only being built on lot 1A. This home will meet all Baltimore County zoning setbacks and will not overcrowd lot 1A.
- Mr. and Mrs. Andrews agree that the proposed home will be comorable to the existing homes on Hilltop Ave.
- Mr. and Mrs. Andrews agree that they will preserve as many trees on lot 1A as possible.
- Mr. and Mrs. Andrews agree that they will plant two trees for each tree that must be removed. The location of the new trees to be designated by adjacent neighbors.

William A. Schmitt 4805 King Ave 661-7471
Helen J. McDermott 4804 King Ave 668-5182
William A. Schmitt 4805 King Ave 668-5182
Madeline Hargy 4818 King Ave 668-5182
Edward B. Quinn 4810 King Ave 665-6347
John Quinn 4810 King Ave 665-6347
Robert J. Andrews 4812 King Ave 661-8940
Janice G. Andrews 4812 King Ave 661-8940

October 4, 1991 Motion for Reconsideration Case No. 91-468-SPHA

The final order indicates that the protestants were opposed to granting setback variances and one protestant was adverse to removing vegetative areas. The owners have revised the project to eliminate and or mitigate those items which the local community was opposed to. Please find attached an agreement, dated 9/27/91 signed by Mr. and Mrs. Andrews and sixteen of their neighbors whom have no objection to the project as revised. The attached agreement addresses the following items:

- All requests for variances for lot 1 and 1A are being withdrawn.
- The signatories have no objection to one home being built on lot 1A if it can meet all Baltimore County zoning setbacks.
- The proposed home will be comparable to the existing homes on Hilltop Avenue.
- Tree removal will be kept to a minimum. See attached tree survey by Mr. Robert J. Andrews dated 9/30/91, of 50 existing trees on lot 1A only eight are being removed and half of the trees being removed are immature.
- Trees removed will be replaced on a 2 to 1 basis with the new trees planted in a area mutually agreeable to the contiguous neighbors. The Andrews have agreed to replant sixteen trees, there are no current regulations requiring reforestation on a project of this type.

The agreement signed by sixteen of the Andrews' neighbors includes ten neighbors who are contiguous and six that were originally protestants and now do not object to the revised project. The chart below lists those contiguous neighbors whom have signed the attached agreement. Lot numbers and plat references are listed next to names and addresses to assist you in locating these individuals on our revised site plan.

Name	Address	Lot No.	Plat Ref.	Comments
Robert L. Mann	7907 Hilltop Ave.	16	18/73	Orig. Protestant
Dorothy L. Prado	7909 Hilltop Ave.	17	18/73	Orig. Protestant
Edwin W. Prado	7907 Hilltop Ave.	17	18/73	Orig. Protestant
Antoinette R. Schultz	7911 Hilltop Ave.	1	18/73	Orig. Protestant
Michael J. Dunn	7913 Hilltop Ave.	2	18/73	Orig. Protestant
Angela R. Dunn	7913 Hilltop Ave.	2	18/73	Orig. Protestant
Elwood B. Quinn	4810 King Ave.	13	18/73	
Owen Quinn	4810 King Ave.	13	18/73	
Charles L. Holleman	4816 King Ave.	2	50/122	
Virginia J. Holleman	4816 King Ave.	2	50/122	

LAW OFFICES
HOWARD AND STONE
PROFESSIONAL BUILDING
6905 DUNMANWAY
DUNDALK, MARYLAND 21222

TELEPHONE
(410) 284-2860
(410) 284-5270

October 4, 1991

Mr. Larry E. Schmidt
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204
Room 123

RE: Petitions for Special Hearing and Zoning Variance
Dominic C. Martino, Jr., Contract Purchaser
Robert J. Andrews, et al. Legal Owners. Petitioners
Case #91-468-SPHA

REQUEST FOR APPEAL

I am requesting an appeal for Case Number 91-468-SPHA on behalf of my clients Robert J. Andrews & Janice G. Andrews.

The final order dated September 11, 1991 by the Zoning Commissioner denies the requested variances; however, it is not clear if the special hearing to amend existing variances in case No. 84-47-A was denied.

The final order indicates that the protestants were opposed to granting setback variances. The owners have revised the project to eliminate and or mitigate those items which the local community was opposed to. Please find attached an agreement, dated 9/27/91 signed by Mr. and Mrs. Andrews and sixteen of their neighbors whom have no objection to the project as revised. The attached agreement addresses the following items:

- All requests for variances for lot 1 and 1A are being withdrawn.
- The signatories have no objection to one home being built on lot 1A if it can meet all Baltimore County zoning setbacks.
- The proposed home will be comparable to the existing homes on Hilltop Avenue.
- Tree removal will be kept to a minimum.
- Trees removed will be replaced on a 2 to 1 basis with the new trees planted in a area mutually agreeable to the contiguous neighbors.

LAW OFFICES
HOWARD AND STONE
PROFESSIONAL BUILDING
6001 DENMARKWAY
DUNDALK, MARYLAND 21222

March 24, 1992

County Board of Appeals of Baltimore County
Old Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Case No. 91-468-SPHA
Robert Andrews, et al
N/s King Avenue, 180' E of c/l of
Hilltop Avenue (4812-4816 King Avenue)
14th E, 6th C
SPH-amend var. granted in 84-47-A;
VAR-window to tract boundary 15' in
lieu of 35';
VAR-window to property line distance
10', 10' and 12' in lieu of 15'
9/11/91 - Z.C.'s Order DENYing Petitions

Dear Sir or Madam:

I have received notice that the above captioned matter has been set in
for hearing on April 15, 1992 at ten o'clock a.m., hearing room 48.

I respectfully request the above hearing be postponed in accordance
with the Maryland Annotated Code, Courts Article, §6-402, until after the
adjournment of the Maryland Legislative Session.

Thanking you for your assistance in this matter, I am

Very truly yours,

Norman R. Stone, Jr.

NRS:slh
cc: Francis X. Borgerding, Jr., Esquire - Counsel for Hollemans
Suite 600
409 Washington Avenue
Towson, Maryland 21204
John V. Murphy, Esquire
14 North Rolling Road
Catonsville, Maryland 21228

RECEIVED
MAY 26 1992

ZONING OFFICE

COVAHEY & BOOZER, P.A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
P. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPOLLA
THOMAS P. DORE

FAX 301-296-2131

June 5, 1991

Mr. Robert Haines
Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: ITEM NO.: 461
N/S KING AVE., 180 FEET E OF CENTER LINE OF HILLTOP AVE.
ANDREWS, ROBERT J. and JANICE G.

Dear Mr. Commissioner:

Please enter my appearance as counsel on behalf of Robert J.
Andrews, Janice G. Andrews (legal owners), and Dominic C. Martino,
Jr., contract purchaser, in the above matter.

On behalf of my clients, it is respectfully requested that
this matter be scheduled for a hearing in an expedited fashion
inasmuch as the property is under contract, and the parties are
subject to losing financing commitments and availability, and most
of the variances requested in this matter concern existing
dwellings and/or structures. Whatever assistance you can provide
in scheduling this matter in an expedited fashion would be greatly
appreciated.

Thank you for your cooperation and attention to this matter.

Very truly yours,

Anthony J. DiPaula
Anthony J. DiPaula

AJD/ds
6 ds-14

cc: Mr. Robert J. Andrews
Mr. Dominic Martino, Jr.
Mr. Ronald M. Kearney

LAW OFFICES OF
JOHN V. MURPHY, ESQUIRE

JOHN V. MURPHY

14 N. ROLLING ROAD
CATONSVILLE, MD 21228
301-744-4967
301-744-5025

July 25, 1991

FAX: 744-8936

J. Robert Haines
Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

RE: 91-468 SPHA
Hearing: August 13, 1991

Dear Mr. Haines:

Please enter my appearance on behalf of Walter Clary, an
adjacent property owner, in regards to the above referenced case.
Would you please send me a copy of the Petition and comments from
County Agencies.

Very truly yours,

John V. Murphy
John V. Murphy

JVM/tmh

cc: Walter Clary

RECEIVED
JUL 27 1991
ZONING OFFICE

LAW OFFICES OF
JOHN V. MURPHY, ESQUIRE

JOHN V. MURPHY

14 N. ROLLING ROAD
CATONSVILLE, MD 21228
301-744-4967
301-744-5025

November 21, 1991

Honorable Larry E. Schmidt
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Motion for Reconsideration
Robert J. Andrews, et al.
Case No.: 91-468-SPHA

Dear Commissioner Schmidt:

I am counsel of record for Walter and Patricia Clary,
Protestants, in the hearing on this matter before Commissioner
Robert Haines. I appeared at that hearing with my clients and
have entered my appearance in the appeal taken by Mr. Holleman to
the Board of Appeals.

I recently discovered that your office has received a
letter dated October 4, 1991, from Petitioner Andrews noting his
appeal to the Board of Appeals and also alleging various new
matters not presented to Commissioner Haines. I also understand
your office has now scheduled a hearing on November 26, 1991 to
reconsider Commissioner Haines' decision. On behalf of my
clients, I would like to strenuously object to the November 26,
1991 hearing ever occurring and ask you to cancel the hearing for
the following reasons:

(A) Petitioner Andrews' October 4, 1991 letter is a
"Request for Appeal". There is no Motion for Reconsideration
before the Commission, and the Commission should not, on its own,
construe Andrews' explanations of his basis for Appeal as a
Motion for Reconsideration.

(B) Your letter of October 8, 1991 notes Andrews' Appeal to
the Board of Appeals. The Commission no longer has jurisdiction
of this matter and, therefore, cannot reconsider the matter.

(C) Andrews' letter of October 4, 1991 seeks to introduce
new evidence after Commissioner Haines heard the case and made a
decision. It would be improper to consider such new evidence
after the Petitioners' case was closed and a decision was
rendered.

(D) Commissioner Haines cannot hear a Motion for
Reconsideration as he no longer has statutory authority to do so.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Walt Clary	4818 King Ave
Robert Clary	4818 King Ave
Ida DeLeon	4818 King Ave
Leah Nelson	4813 King Ave
Endy Rayhan	4813 King Ave
Gracia, Sandra	7905 Hilltop Ave
Christopher C. Schultz	7903 Hilltop Ave
Henry D. Hadden	7911 Hilltop Ave 21234
Janet D. Hadden	4907A Linda Ave
Melvin J. Davis	4907A Linda Ave
Edwin W. Foss	7903 Hilltop Ave
Dorothy L. Foss	7903 Hilltop Ave
ROBERT L. MANN, SR	7903 Hilltop Ave

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Robert J. Andrews	4812 King Ave
Janice G. Andrews	"
Walter Clary	4816 King Ave
Charles F. Holleman	4816 King Ave
Charles F. Holleman	4816 King Ave
Charles F. Holleman	4816 King Ave
Ronald M. Kearney	102 N. MAIN ST. BELAIR, MD 21034
Dominic Martino	25 CHESAPEAKE AVE. BALDWIN, MD 21013

TREE SURVEY ON LOT 1-A by OWNER
ROBERT ANDREWS Robert J. Andrews

2" TO 8"	= 30
12" AND OVER	= 20
TOTAL	= 50

ESTIMATE OF TREE REMOVAL TO BUILD
COMFORTABLE HOME TO THOSE ON HILLTOP AVE.

UNDER 12"	= 4
OVER 12"	= 4
(LARGEST 14")	
TOTAL	= 8

MR. ARNOLD JABLON
DIRECTOR OF ZADM
111 W. CHESAPEAKE AVE.
TOWSON, MD 21204

DEAR MR. JABLON,

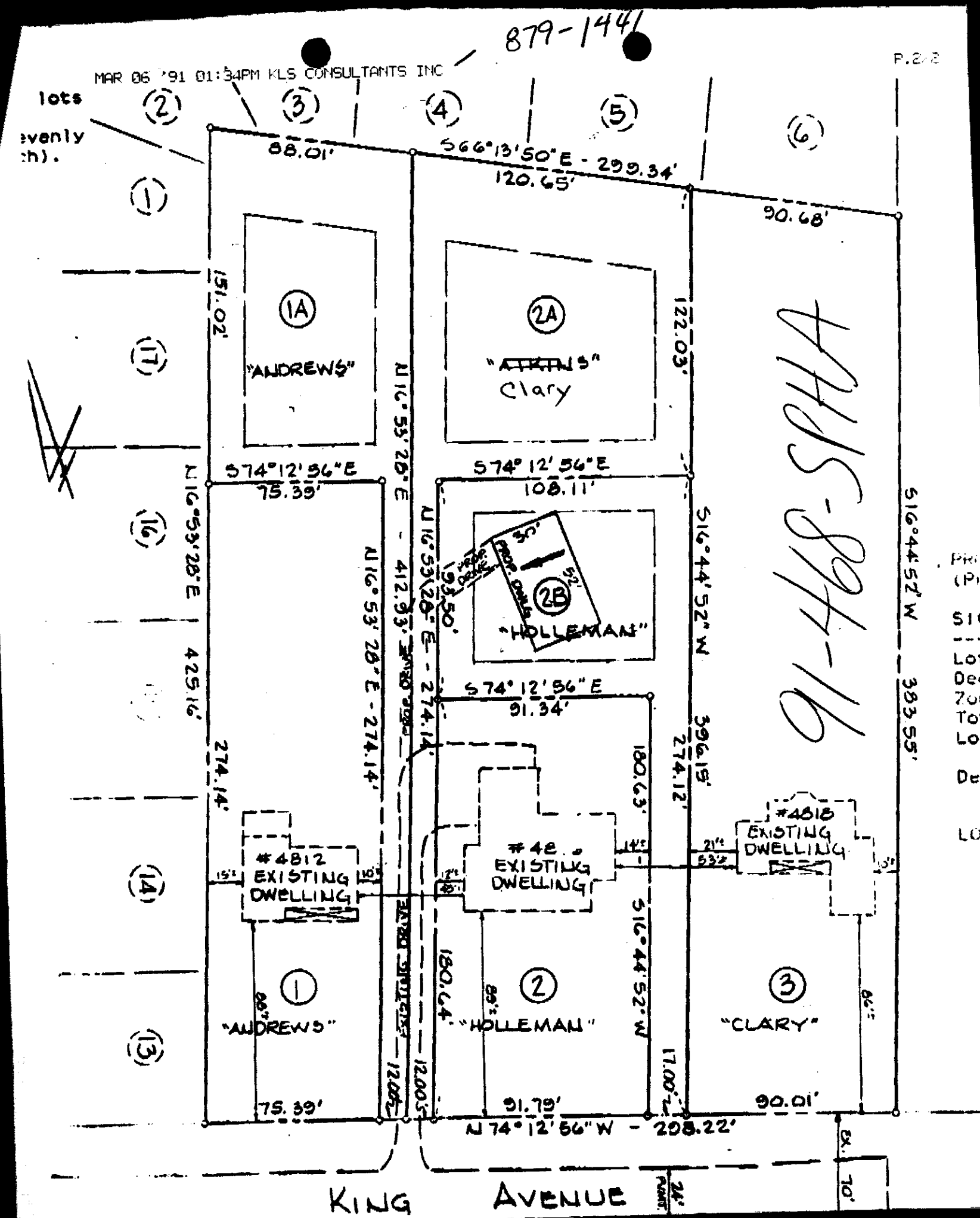
I would like to request a copy of the TAPES
of the hearing held on August 13, 1991 @ 11:00am
Regarding Andrews and Holleman property. The
Applicable case number is 91-468-SPHA

Thank you,

Robert J. Andrews
4812 King Ave.

H. # 661-8940

W. # 887-5358



Pet. Wm. Ea 2
 L. 697
 (6)
 1

THIS DEED BY SUBDIVISION made this 25th day of October, 1989 by and between ROBERT J. ANDREWS and JANICE ANDREWS, his wife, Parties of the First Part, Grantor, and Dorothy Atkins, Party of the Second Part, Grantee.

WHEREAS The Grantors acquired the hereinafter described property pursuant to a Deed dated December 15th, 1983 and recorded among the land records of Baltimore County in Liber 6643 and Folio 520, and by deed Dated the 9th day of October, 1989, and recorded among the Land Records of Baltimore County in Liber 8294, Folio 543., both deeds having been granted by Dorothy Atkins.

WHEREAS the said ROBERT J. ANDREWS and JANICE ANDREWS, Parties of the First Part, Grantor, desire that the entire parcel as defined in the aforementioned deed be delineated into 2 parcels pursuant to the survey prepared by Ronald Kearny of K.L.S. Consultants and attached hereto for reference.

THE PURPOSE of this DEED BY SUBDIVISION is to correctly state the metes and bounds description of the property to labeled Lot 1 on the above referenced and attached survey of the Land of ROBERT J. ANDREWS.

BEGINNING for the same at a point in the northerly right-of-way line of King Avenue at a point at the southwesterly corner of Lot 1 as shown on a plat entitled, "Revision of Atkins Property" and recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. No. 50 Folio 122, running thence and binding on the westerly outline of the said Lot 1,

- 1) North 16 degrees 53 minutes 28 seconds East, 274.14 feet to a point, thence for new lines of division through the aforesaid Lot 1, the two (2) following courses and distances, viz:
- 2) South 74 degrees 12 minutes 56 seconds East, 75.39 feet, and
- 3) South 16 degrees 53 minutes 28 seconds West, 274.14 feet to the aforesaid northerly right-of-way line of King Avenue, thence binding on the said right-of-way line,
- 4) North 74 degrees 12 minutes 56 seconds West, 75.39 feet to the beginning hereof, containing 0.47 acre of land, more or less.

SUBJECT TO THE FOLLOWING DRIVEWAY MAINTENANCE AND USE AGREEMENT:

All subject to a .08 Acre panhandle for the use of lot owners of Lot 1 and Lot 1 A, together with the right and use thereof in common with others entitled to use by virtue of their ownership of either Lot 2 or 2A as referred on Plat 50/122. Owners of Lot 1 and Lot 1 A, as well as the owner of Lot 2 and 2A shall share equally in the cost and expense of the operation repair and maintenance of this panhandle, in its current state of quality. All four lot owners agree that they will cooperate fully in the prompt payment of the repair bills as they become necessary in order to maintain the panhandle in its current state.

Lot owners for Lots 1, 1 A., and 2, 2A are not responsible in anyway for the maintenance of insurance on this

Assessments and Valuation

County of Los Angeles
 Assessor's Office
 200 West 1st Street
 3rd Floor, Los Angeles, CA 90012
 (213) 871-3200

APPEAL COPY

THE COUNTY OF LOS ANGELES HAS REVIEWED THE APPEAL AND HAS DETERMINED THAT THE APPEAL IS UNAVAILING. THE APPEAL IS UNAVAILING BECAUSE THE APPEALER HAS NOT PROVIDED SUFFICIENT EVIDENCE TO SUPPORT THE APPEAL. THE APPEAL IS UNAVAILING BECAUSE THE APPEALER HAS NOT PROVIDED SUFFICIENT EVIDENCE TO SUPPORT THE APPEAL. THE APPEAL IS UNAVAILING BECAUSE THE APPEALER HAS NOT PROVIDED SUFFICIENT EVIDENCE TO SUPPORT THE APPEAL.

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APPEAL COPY

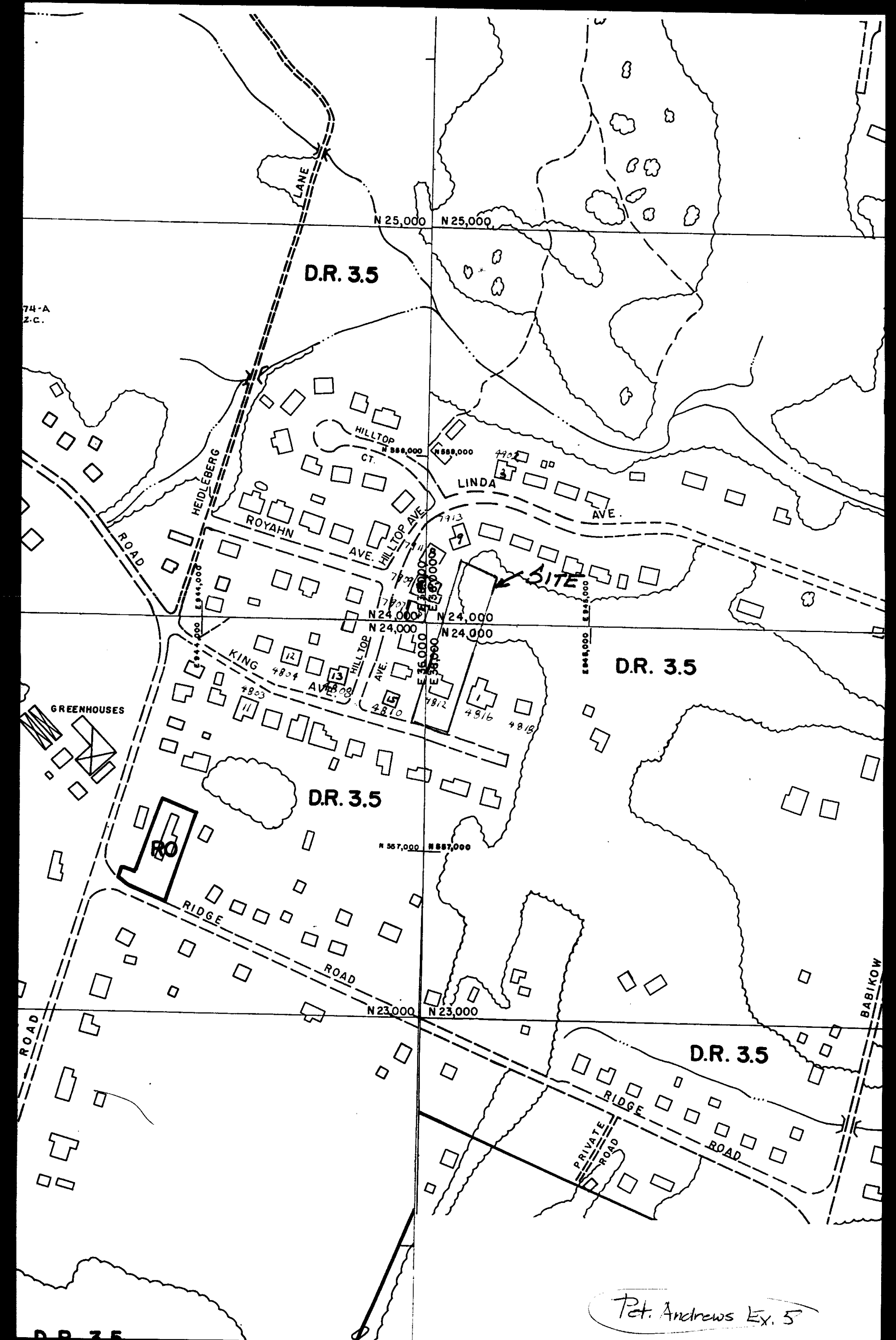
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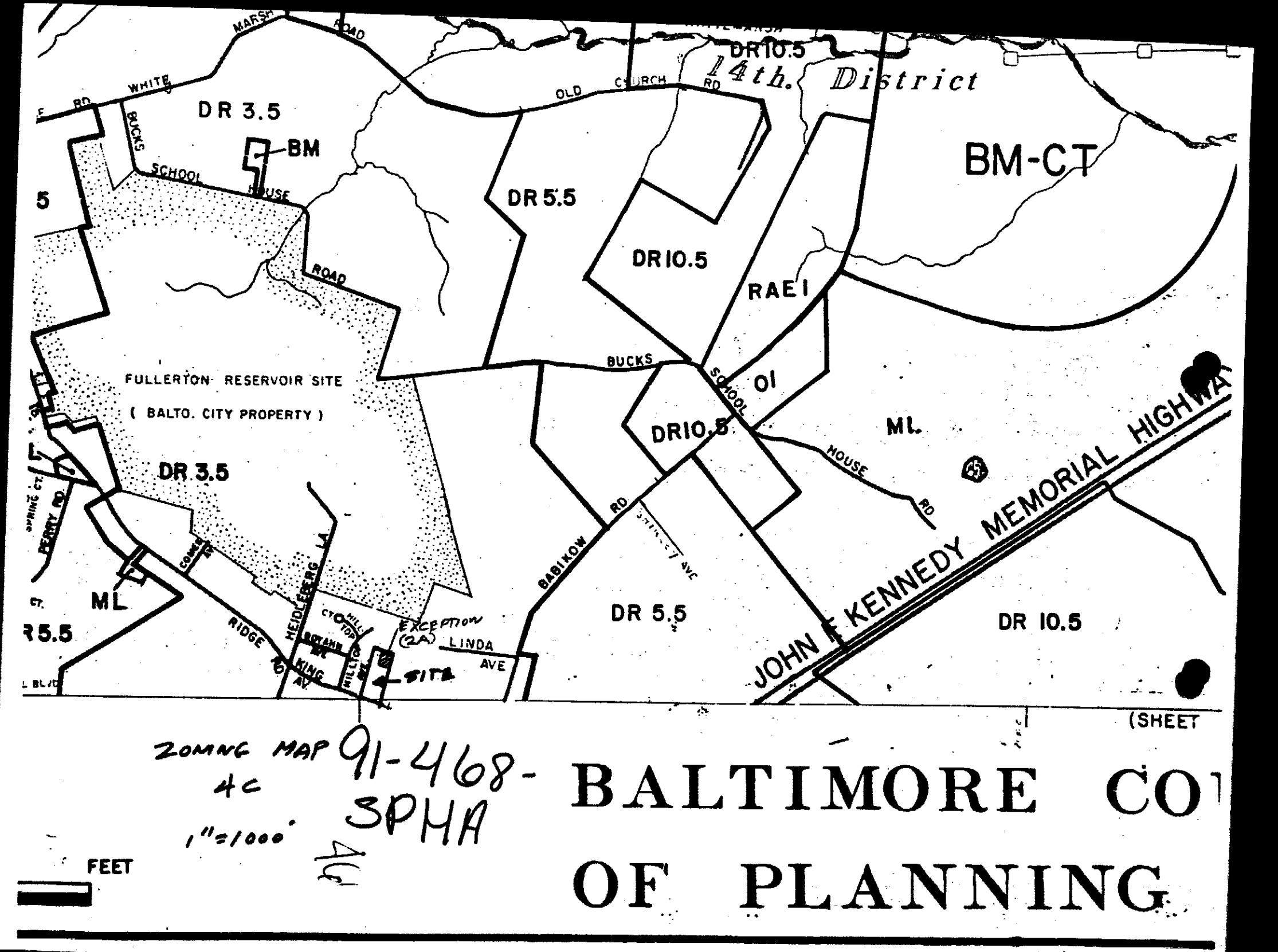
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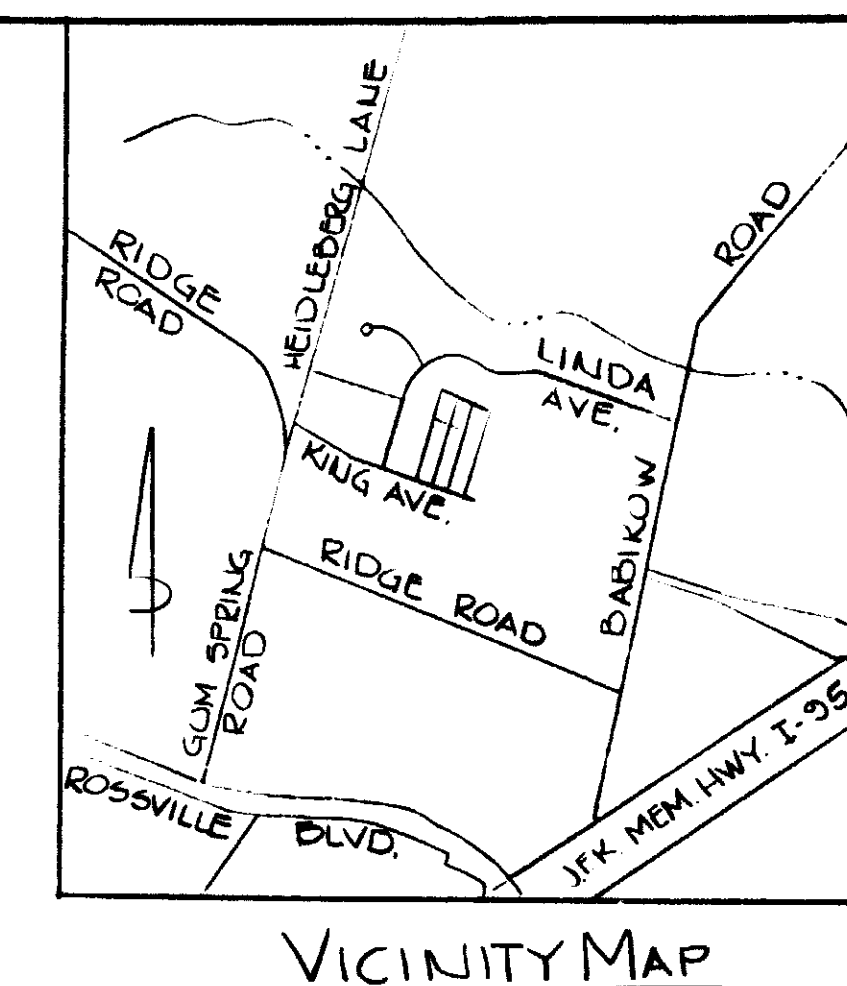
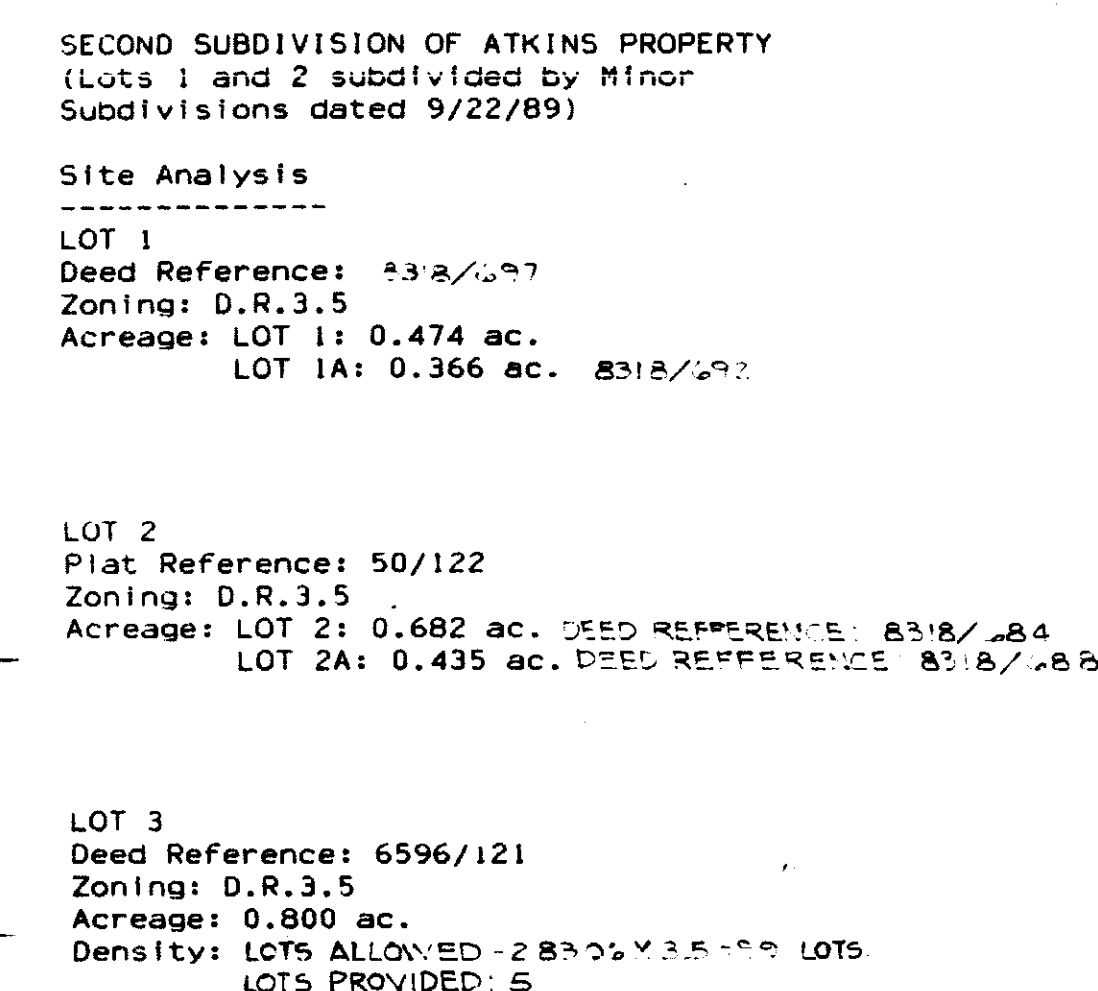
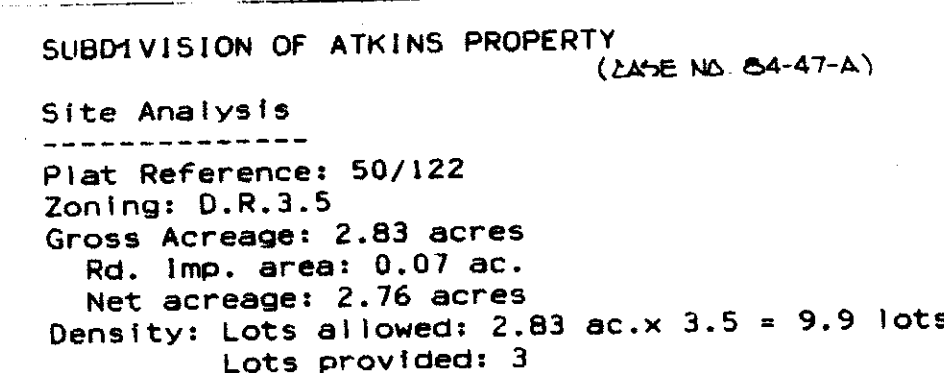
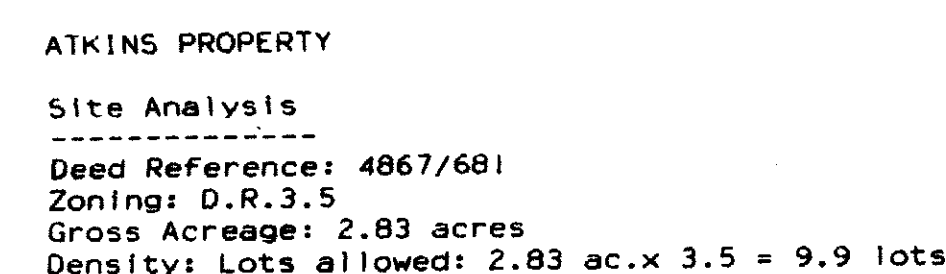


Charles H. Holloman 9816 King Ave 882-6603 -072
Wingard Holloman 4816 King Ave. 882-6603 6-92
John M. Johns 4902 Linda Ave 661-0498
James J. Johnson 4902 Linda Ave 661-0498
Robert R. Williams 7909 Hilltop Ave 668-9475 (16)
Walter J. Woods 7909 Hilltop Ave 668-9131 (17)
Edwin W. Woods 7909 Hilltop Ave. 668-8121 (17)
John W. D. Schultz 7911 Hilltop Ave. - 661-1783 (1)
Michael J. Dumas 7913 Hilltop Ave 668-6927 (2)
Angela R. M. Dumas 7913 Hilltop Ave. 668-6927 (2)

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

DEPARTMENT OF AGRICULTURE
 Department of
 Agriculture and Taxation
 Madison County
 427-90
 Date _____
 R 0154*****2167766Da 426CA
 AGRICULTURAL TRANSFER TAX
 NOT APPLICABLE
 SIGNATURE JR DATE 4/27/80





91-468-SPHA
Submitted with Motion for Reconsideration

Engineer: K.L.S. Consultants, Inc.
102 North Main Street
Bel Air, Maryland 21014
(301)879/838-1441

CASE NUMBER 91-468 SPH2	
Revisions	PLAT TO ACCOMPANY ZONING HEARING APPLICATION PROPOSED RESUBDIVISION ATRKINS PROPERTY #4216 KING AVENUE 14 TH ELECTION DISTRICT, BALTIMORE COUNTY MD
Drawn By: <u>D. FOSTER</u> Designed By: _____ Checked By: _____	Contract No. <u>0055</u> Scale: <u>1" = 50'</u> Sheet <u>1</u> Of <u>1</u>

Standard Contract of Sale
KAYHOUSE REALTY, INC.
7647 Harford Road, Parkville Shopping Center, Baltimore, MD 21234
8787-F Philadelphia Road, Ross Village, Baltimore, MD 21237
4501 Fitch Avenue, Baltimore, Md. 21236

Standard Contract of Sale
KAYHOUSE REALTY, INC.
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8787-F Philadelphia Road, Ross Village, Baltimore, MD 21237
4501 Fitch Avenue, Baltimore, Md. 21236

Baltimore County Government
Zoning Commission
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
April 24, 1991
887-3353

ORIGINAL
1
1 ROBERT ANDREWS, et al, n/s * BEFORE THE
2 King Avenue, 180' E of c/1
3 of Hilltop Avenue (4812-
4 4816 King Avenue) 14th
5 Election District, 6th
6 Councilmanic District
7
8 The above-entitled matter came on for hearing
9 before the County Board of Appeals
10 the Old Courthouse, 400 Washington Avenue, Room 9
11 Towson, Maryland 21204 at 11:00 a.m., July 22, 1992.

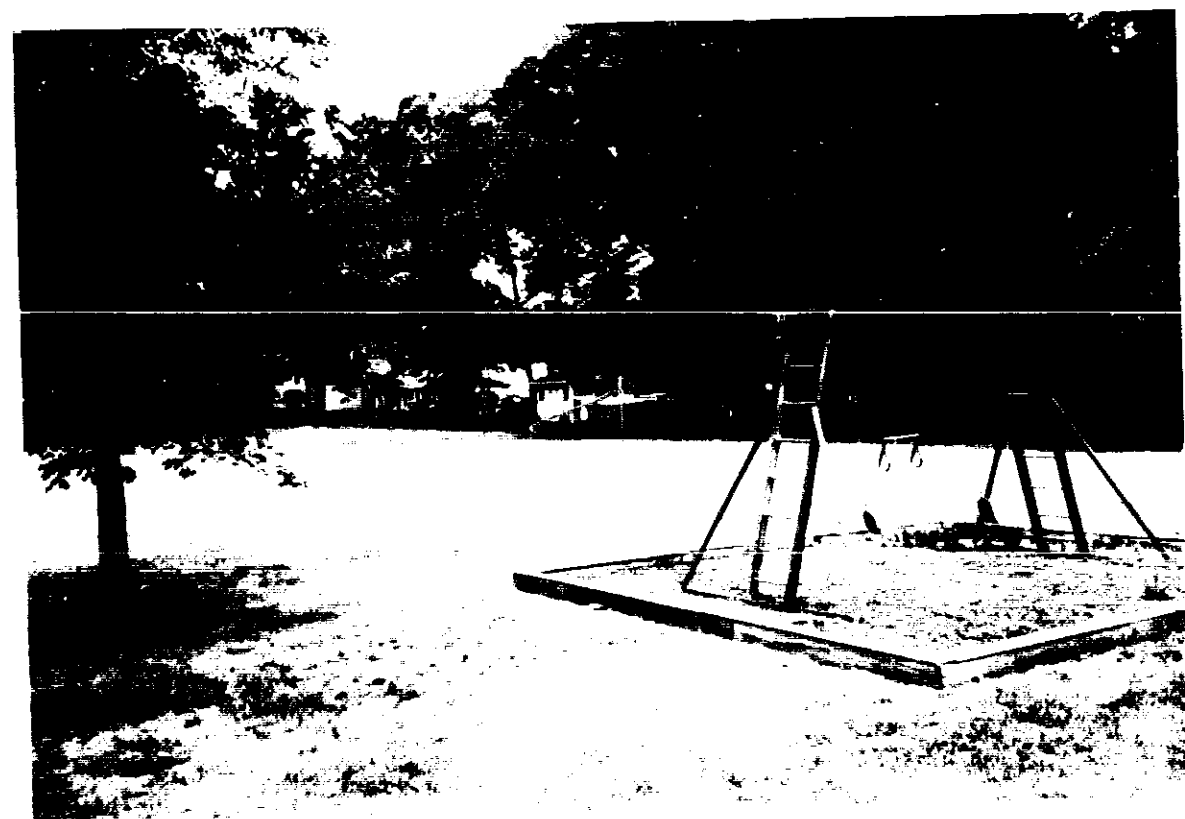
PROTESTANT'S
EXHIBIT 2
10 The Zoning Commission
We the undersigned property owners object
to the Petition for Variance on the Andrews-
Hollman properties
We are opposed to granting the Variance
to build additional houses and believe this is
not an appropriate location in the neighborhood
for these houses.

PROTESTANT'S
EXHIBIT 1
91-468SPHA
We the undersigned property owners object
to the Petition for Variance on the Andrews-
Hollman properties
We are opposed to granting the Variance
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Protestant's 1 91-468 SPHA



Protestant's 1 91-468 SPHA



Protestant's 1 91-468 SPHA



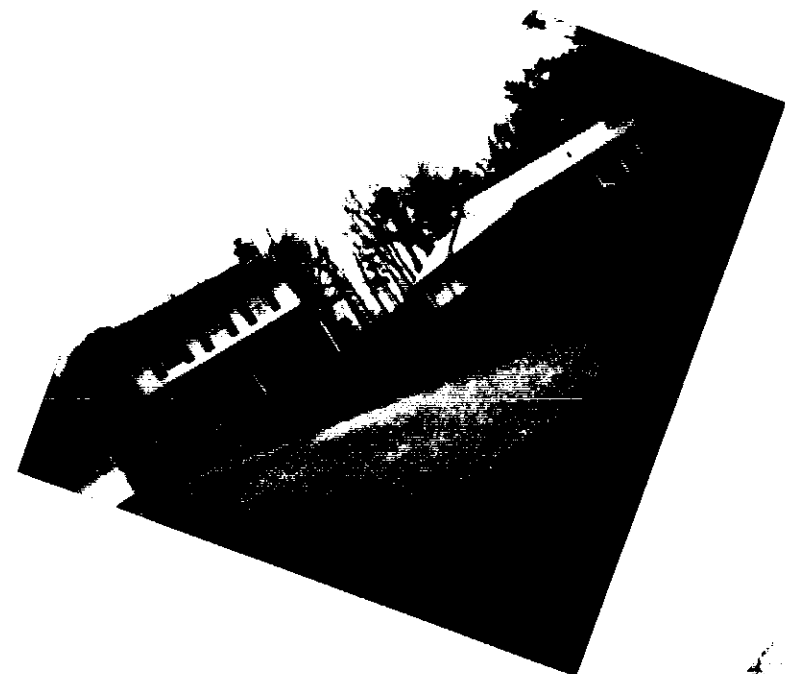
91-468-SPHA

PETITIONER'S EXHIBIT #



91-468-SPHA

PETITIONER'S EXHIBIT #



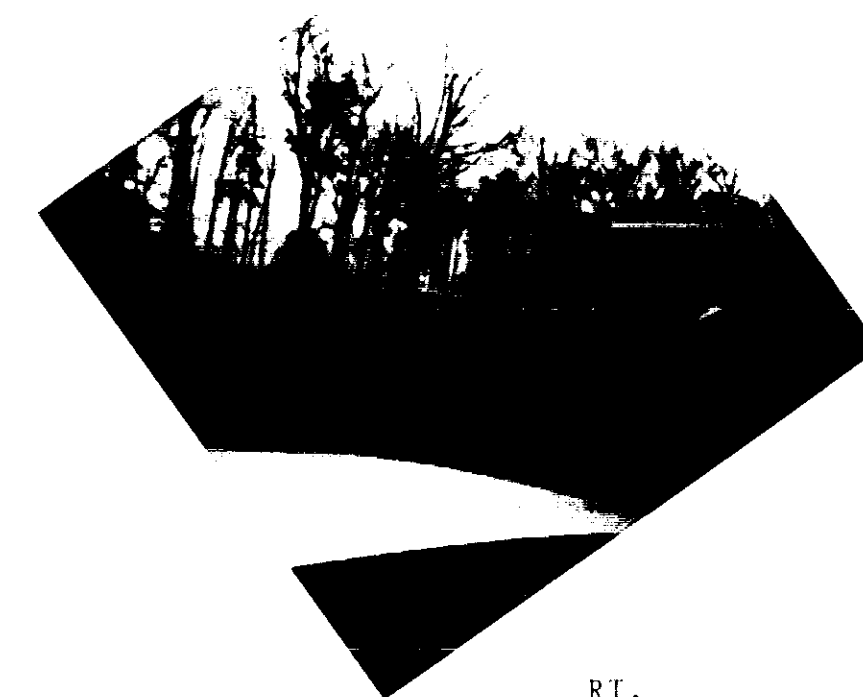
91-468-SPHA

PETITIONER'S EXHIBIT #



91-468-SPHA

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91-468-SPHA

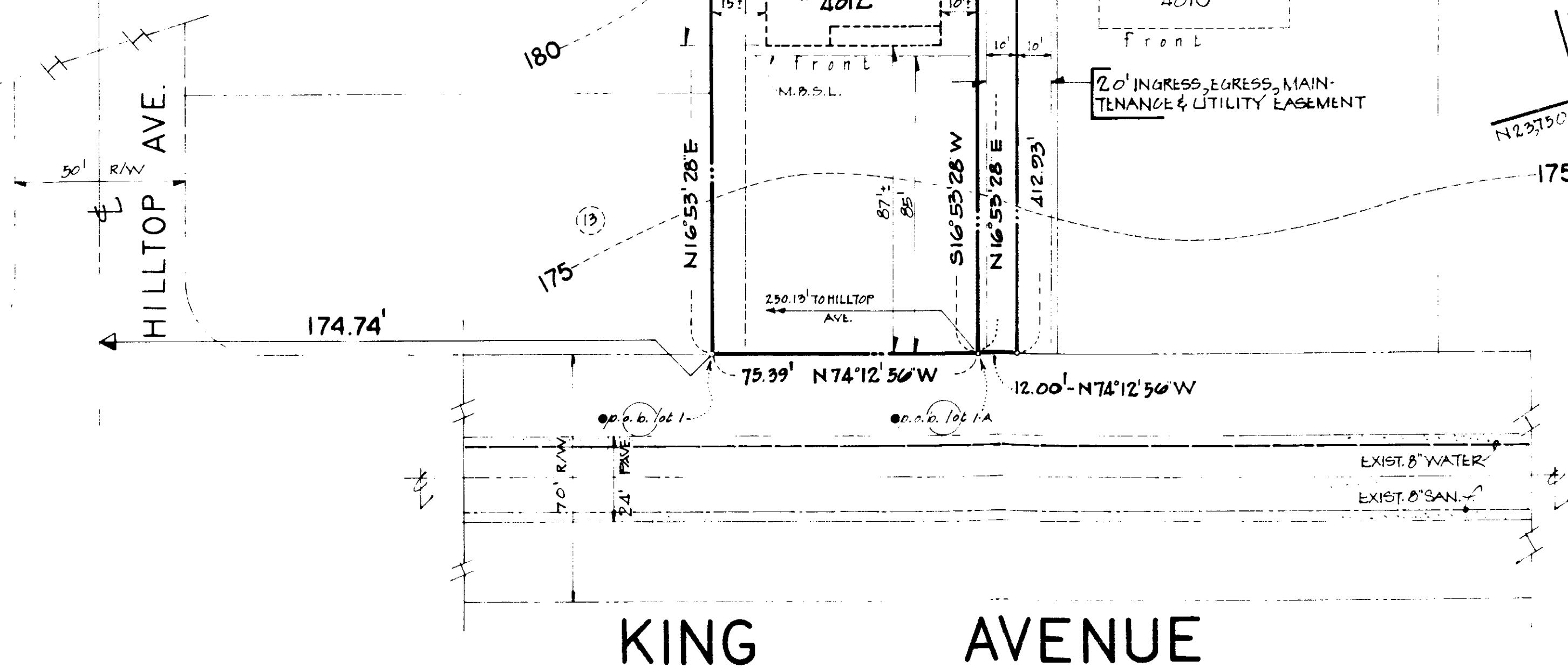
PETITIONER'S EXHIBIT #



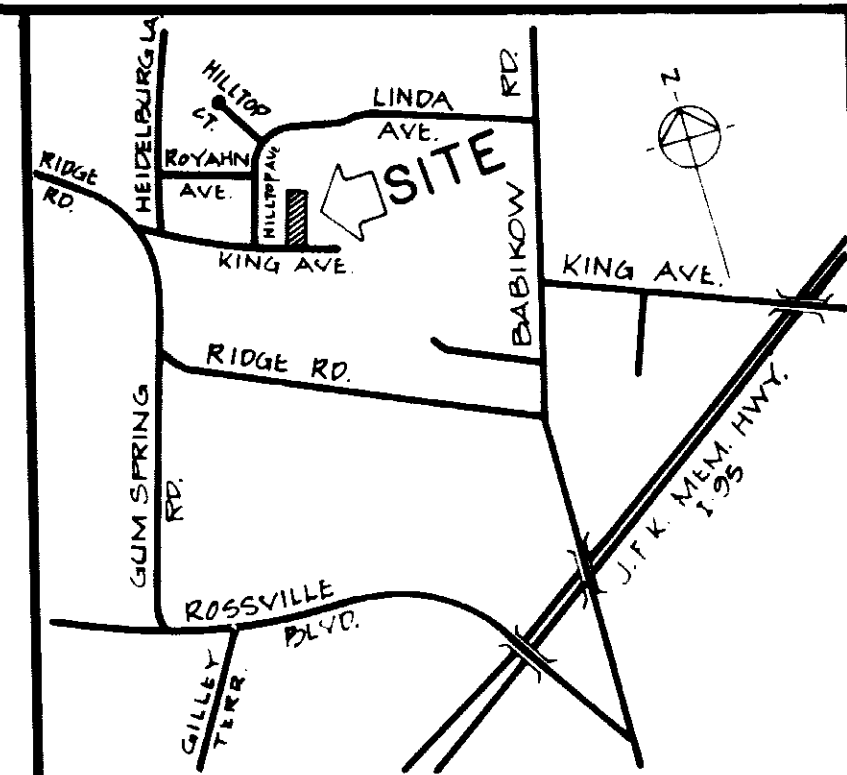
2-A CTR.



LOT #2-B



KING AVENUE



VICINITY MAP SCALE 1"=1000'

GENERAL NOTES

SITE DATA FOR

4812 & 4812A KING AVENUE

- NET SITE AREA LOT 1 = 20,667 sf (0.47 ac)
LOT 1A = 16,117 sf (0.37 ac)
GROSS SITE AREA LOT 1 = 22,929 sf (0.53 ac)
LOT 1A = 16,135 sf (0.37 ac)

- CURRENT ZONING: DR-3.5
ZONING HISTORY:

ZONING VARIANCE 84-47-A; TO PERMIT SIDEYARD SETBACKS OF 10' AND 15' IN LIEU OF THE REQUIRED 35' FOR A WINDOW TO TRACT BOUNDARY. GRANTED 8/18/83.

ZONING SPECIAL HEARING 91-468-SPHA; TO AMEND THE VARIANCES GRANTED IN CASE 84-47-A. DENIED 9/11/91

ZONING VARIANCE 91-468-SPHA; FROM SECTION 1B01.2.C.2.a AND 1B01.2.C.6 (CMDF V.5.A) TO PERMIT A WINDOW TO TRACT BOUNDARY OF 15 FEET IN LIEU OF THE REQUIRED 35 FEET (LOT 1A) AND 1B01.2.C.6 (CMDF V.5.B.6) TO ALLOW WINDOW TO PROPERTY LINE DISTANCES OF 10 FEET (LOT 1) 10 FEET (LOT 1A) AND 12 FEET (LOT 2) IN LIEU OF THE REQUIRED 15 FEET. DENIED 9/11/91.

- PROPERTY REFERENCE LOT 1: 8318/697
LOT 1A: 8318/692

TAX IDENTIFICATION NUMBER LOT 1: 21-00-014524
LOT 1A: 21-00-014525

- 14th ELECTION DISTRICT, 6th COUNCILMANIC DISTRICT

- OWNER: ROBERT J. & JANICE ANDREWS

- EXISTING USE: RESIDENTIAL SINGLE FAMILY

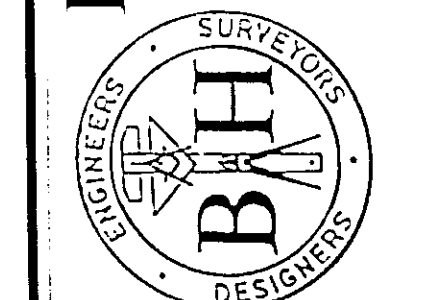
- PROPOSED USE: RESIDENTIAL SINGLE FAMILY

- PUBLIC WATER AND PUBLIC SEWER SYSTEMS ARE EXISTING ON SITE

- THERE ARE NO KNOWN TIDAL OR NON TIDAL WETLANDS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, CHESAPEAKE BAY CRITICAL AREAS, 100 YEAR FLOOD PLAINS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIALS SITES ON THIS PROPERTY



BROYLES, HAYES & ASSOC.
ENGINEERS-DESIGNERS-SURVEYORS
1922 MIDDLEBOROUGH RD.
BALTO, MD. 21221
(301)-574-2227



4812 & 4812A KING AVE.
PROPERTY OF ROBERT J. & JANICE ANDREWS
BALTIMORE, MD.

PROJECT: SITE PLAN TO ACCOMPANY ZONING SPECIAL HEARING
DATE: JAN. 27, 1992 SCALE: 1"=30' DWG. BY: campbell

REVISIONS

SHEET

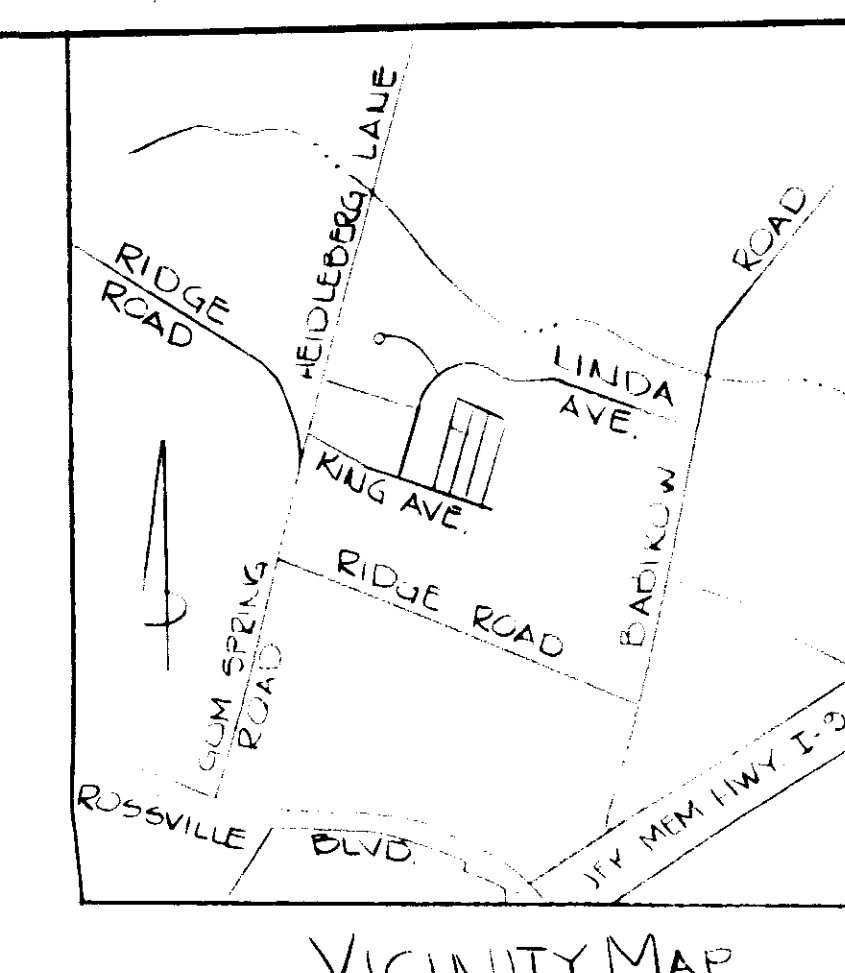
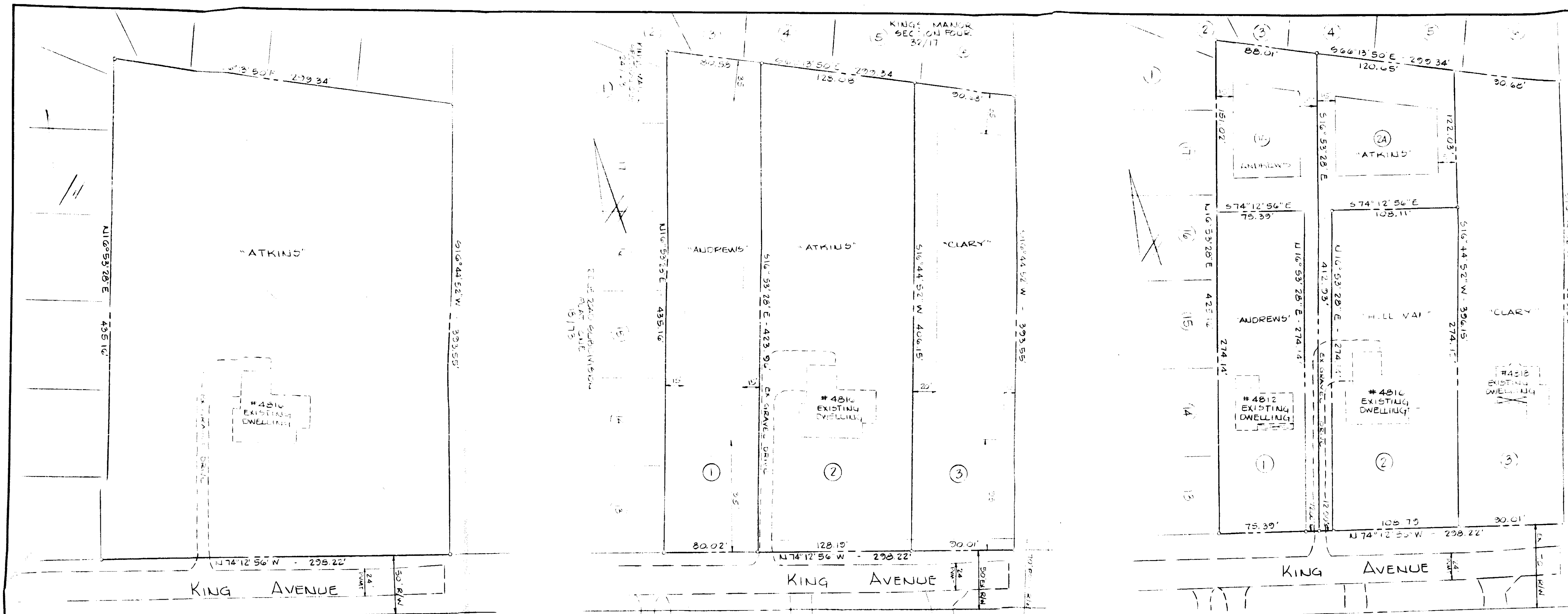
1

N.E. 6-G

1"=200'

91-468-SPHA

461



SECOND SUBDIVISION OF ATKINS PROPERTY
(Lots 1 and 2 subdivided by Minor Subdivisions dated 9/22/69)

Site Analysis

LOT 1
Deed Reference: 6643/520
Zoning: D.R.3.5
Acreage: LOT 1: 0.474 ac.
LOT 1A: 0.366 ac.

Density:
LOT 1: 2 development rights (1 existing, 1 remaining)
LOT 1A: 1 development right

LOT 2
Deed Reference: 50/122
Zoning: D.R.3.5
Acreage: LOT 2: 0.682 ac.
LOT 2A: 0.435 ac.

Density:
LOT 2: 2 development rights (1 existing, 1 remaining)
LOT 2A: 1 development right

LOT 3
Deed Reference: 6596/121
Zoning: D.R.3.5
Acreage: 0.800 ac.
Density: 3 development rights (1 existing, 2 remaining)

ATKINS PROPERTY

Site Analysis

Deed Reference: 4867/681
Zoning: D.R.3.5
Gross Acreage: 2.83 acres
Density: Lots allowed: 2.83 ac. x 3.5 = 9.9 lots

SUBDIVISION OF ATKINS PROPERTY
(LAPES NO. 84-47-A)

Site Analysis

Plat Reference: 50/122
Zoning: D.R.3.5
Gross Acreage: 2.83 acres
Rd. Imp. area: 0.07 ac.
Net acreage: 2.76 acres
Density: Lots allowed: 2.83 ac. x 3.5 = 9.9 lots
Lots provided: 3
Remaining development rights are divided evenly among the three lots (3 dev. rights each).

SUMMARY

The property has existed as the Atkins Property since April 22, 1968. The first subdivision by Record Plat 50/122 dated Nov. 17, 1983 created Lots 1, 2 & 3. Atkins retained Lot 2 and sold Lot 1 to Andrews and Lot 3 to Clary.

Andrews and Atkins then subdivided their Lots 1 & 2, respectively, into Lots 1A and Lots 2A by Minor Subdivisions, each dated September 22, 1989, and recorded in the Land Records of Baltimore County in the following Libers and Folios:

Lot 1: 8318/697
Lot 1A: 8318/692
Lot 2: 8318/684
Lot 2A: 8318/688

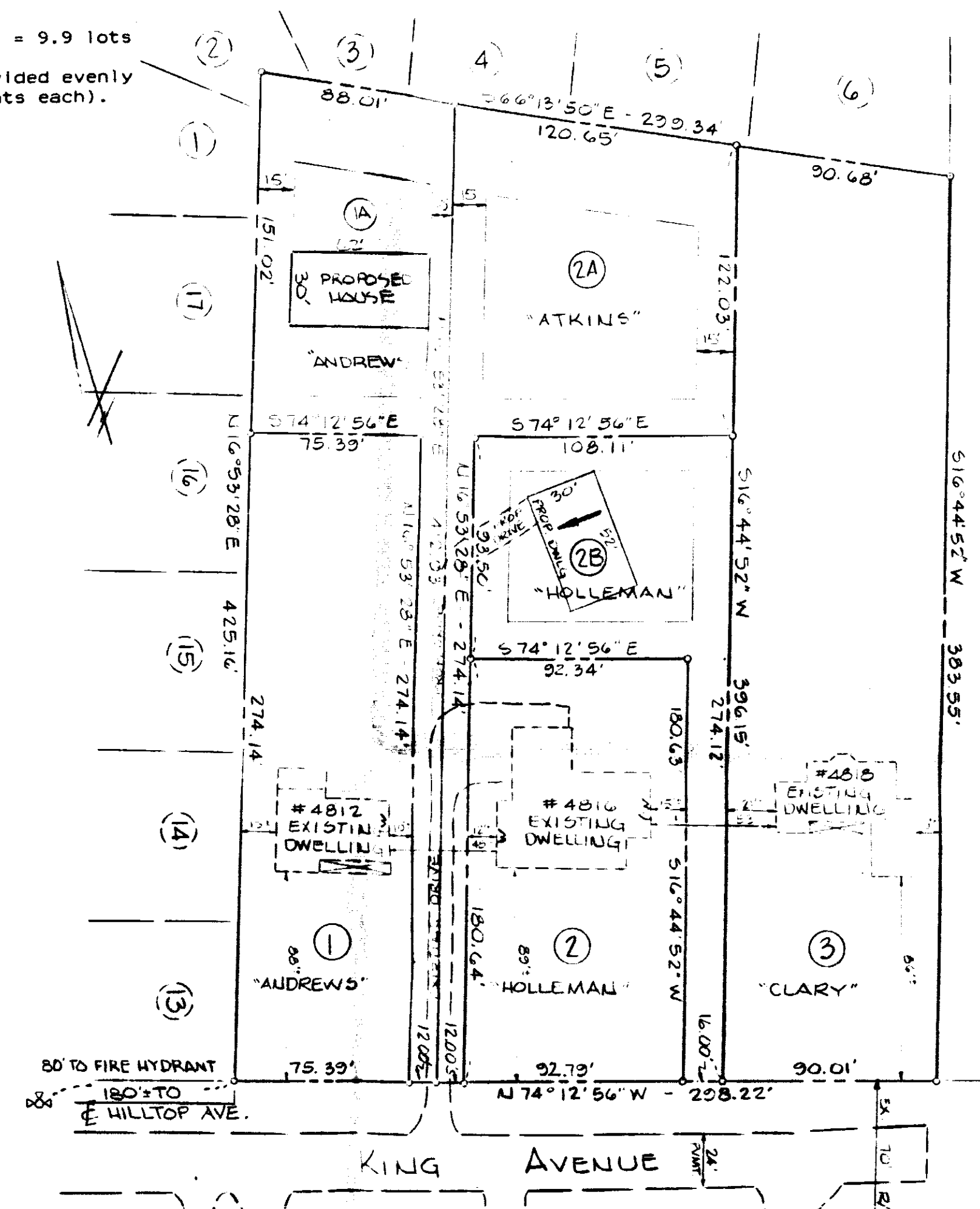
Andrews still owns Lots 1 and 1A. Atkins still owns Lot 2A and sold Lot 2 to Holleman (Deed Reference: 8481/680).

Mr. Holleman is proposing to subdivide his Lot 2 to create a lot behind his existing dwelling for his parents in order to be able to care for his father for medical reasons.

At this time, the development rights are distributed as follows:

Lot 1: 2 rights (1 existing, 1 remaining)
Lot 1A: 1 right
Lot 2: 2 rights (1 existing, 1 remaining)
Lot 2A: 1 right
Lot 3: 3 rights (1 existing, 2 remaining)
Total: 9 development rights (5 existing or utilized, 4 remaining)

It is the intention of the owner/developer of Lot 2B to utilize the existing drive between Lot 1 and Lot 2 for ingress and egress. This is dependent upon an agreement to be signed by the present owners and users of the driveway. It is also the intention of the owner/developer of Lot 2B to utilize landscaping to screen the view of the existing houses.



PROPOSED THIRD SUBDIVISION ATKINS PROPERTY
(Proposed subdivision of lot 2)

Site Analysis

LOT 2
Deed Reference: 8481/680
Zoning: D.R.3.5
Total Acreage: 0.682 ac.
Lot acreage: Lot 2: 0.384 ac.
Lot 2B (Proposed): 0.302 ac.
Density: 2 development rights (1 existing, 1 for proposed Lot 2B).

LOTS 1, 1A, 2A, and 3: Same as in Second Sub. Atkins Prop.

We, the undersigned, give our consent for the shown proposed subdivision of Lot 2, The Atkins Property.

Walter & Peggy Clary (Lot 3) Date

Dorothy Atkins (Lot 2A) Date

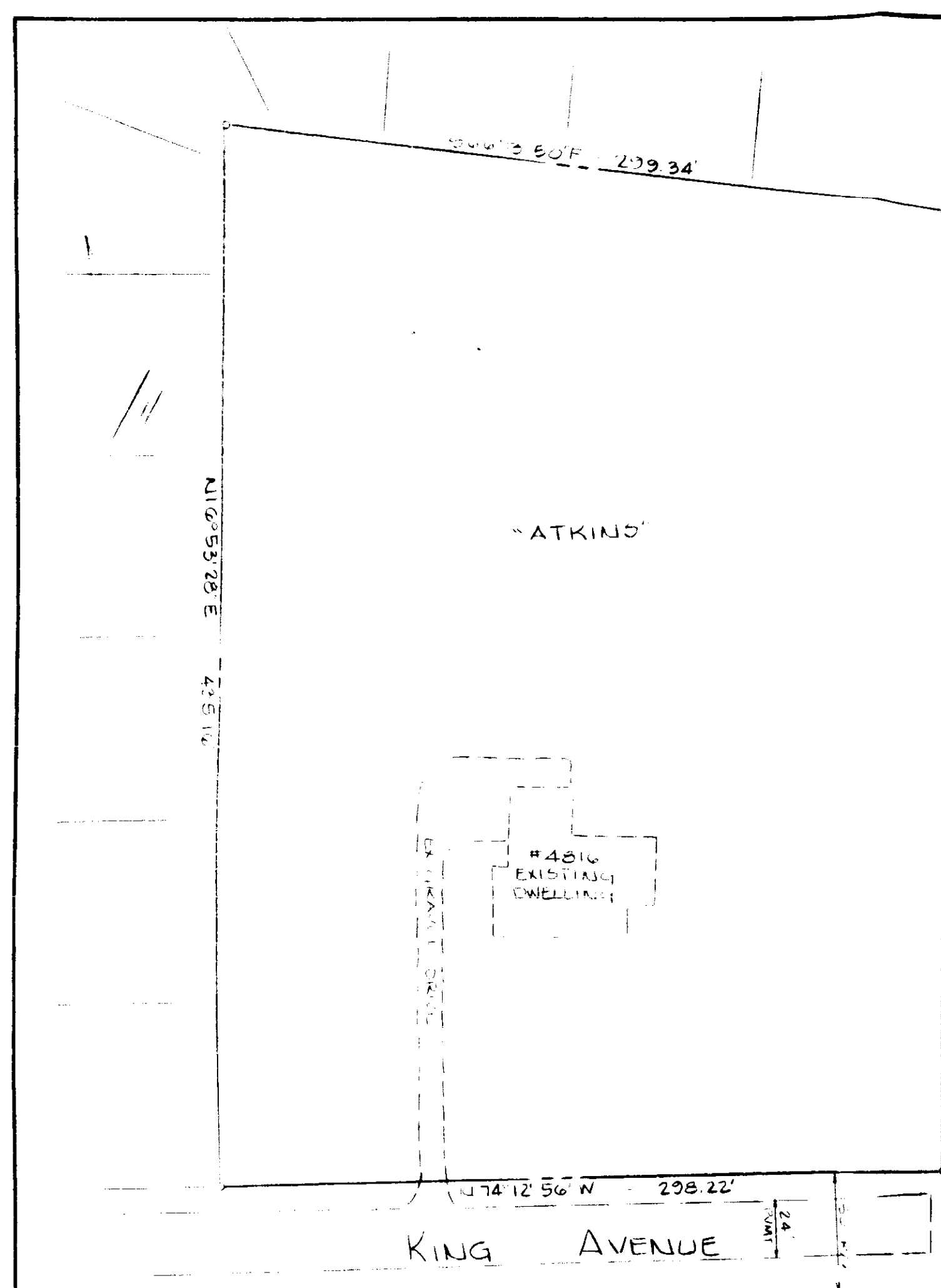
Robert & Janice Andrews (Lots 1 & 1A) Date

EXHIBIT 1
91-468 SPHA

Engineer: K.L.S. Consultants, Inc.
102 North Main Street
Bel Air, Maryland 21014
(301)879/838-1441

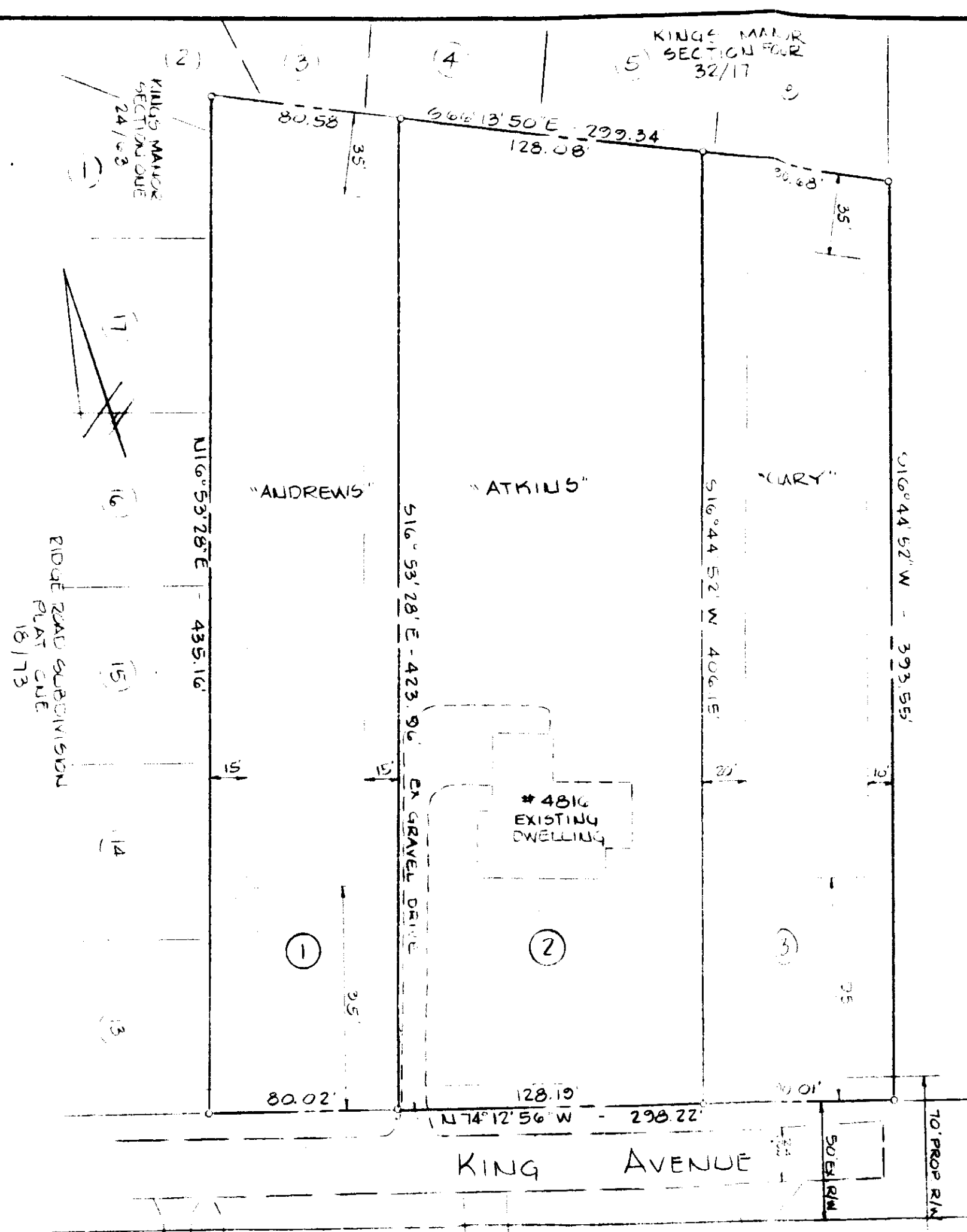
Revisions	PLAT TO ACCOMPANY ZONING HEARING APPLICATION
	PROPOSED RESUBDIVISION ATKINS PROPERTY #4816 KING AVENUE 14 TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.
Drawn By: P. POSTER	Contract No.: 0055
Designed By:	Scale: 1" = 50'
Checked By:	Sheet: 1 Of 1

5-31-91



ATKINS PROPERTY

Site Analysis
 Deed Reference: 4867/681
 Zoning: D.R.3.5
 Gross Acreage: 2.83 acres
 Density: Lots allowed: 2.83 ac. x 3.5 = 9.9 lots



SUBDIVISION OF ATKINS PROPERTY

Site Analysis
 Plat Reference: 50/122
 Zoning: D.R.3.5
 Gross Acreage: 2.83 acres
 Rd. Imp. area: 0.07 ac.
 Net acreage: 2.76 acres
 Density: Lots allowed: 2.83 ac. x 3.5 = 9.9 lots
 Density: 3
 Remaining development rights are divided evenly among the three lots (3 dev. rights each).

SUMMARY
 The property has existed as the Atkins Property since April 22, 1968. The first subdivision by Record Plat 50/122 dated Nov. 17, 1983 created Lots 1, 2 & 3. Atkins retained Lot 2 and sold Lot 1 to Andrews and Lot 3 to Clary.

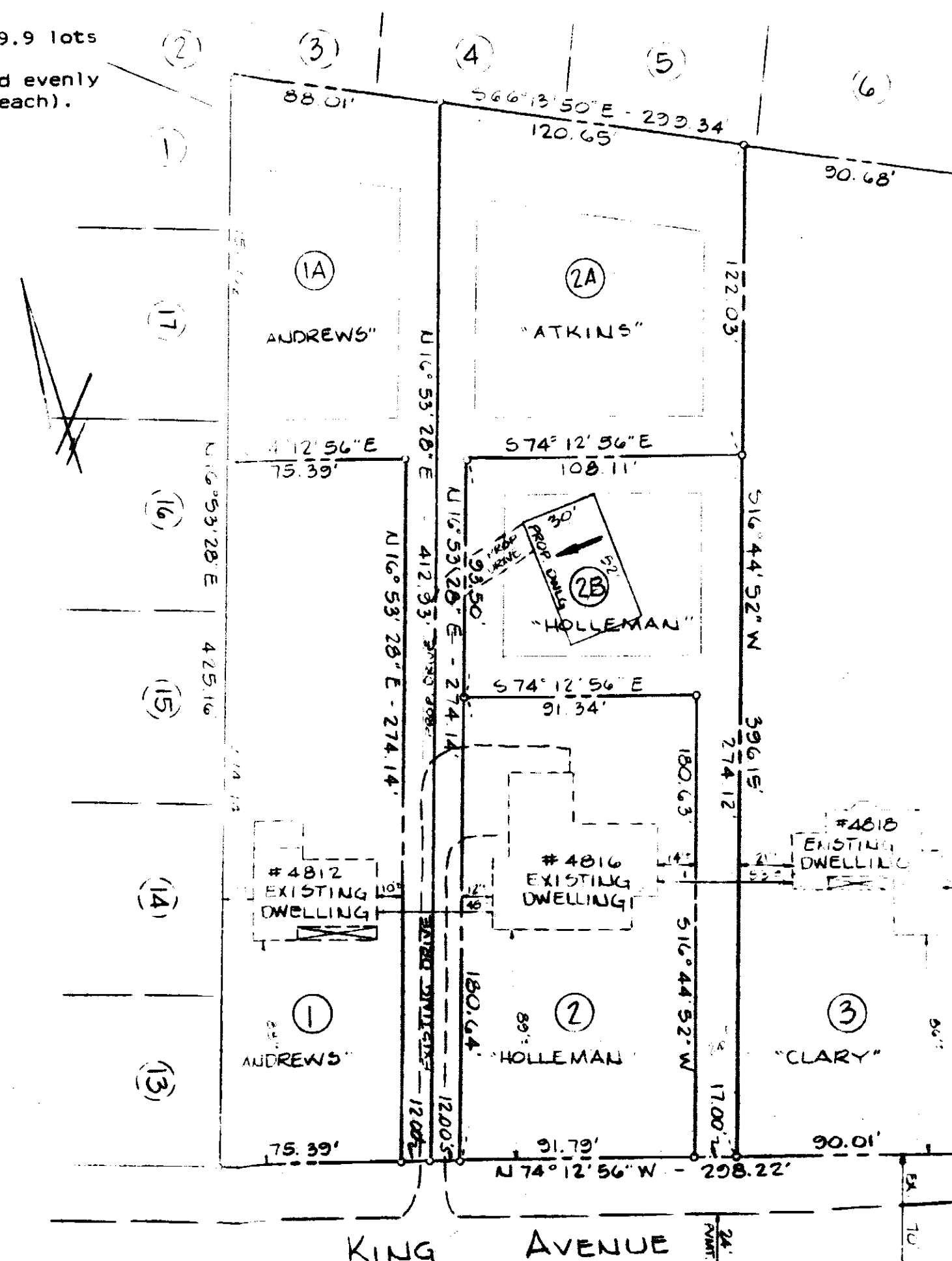
Andrews and Atkins then subdivided their Lots 1 & 2, respectively, into Lots 1A and Lots 2A by Minor Subdivisions, each dated September 22, 1989, and recorded in the Land Records of Baltimore County in the following Libers and Folios:
 Lot 1: 8318/697
 Lot 1A: 8318/692
 Lot 2: 8318/684
 Lot 2A: 8318/688

Andrews still owns Lots 1 and 1A. Atkins still owns Lot 2A and sold Lot 2 to Holleman (Deed Reference: 8481/680).

Mr. Holleman is proposing to subdivide his Lot 2 to create a lot behind his existing dwelling for his parents in order to be able to care for his father for medical reasons.

At this time, the development rights are distributed as follows:
 Lot 1: 2 rights (1 existing, 1 remaining)
 Lot 1A: 1 right
 Lot 2: 2 rights (1 existing, 1 remaining)
 Lot 2A: 1 right
 Lot 3: 3 rights (1 existing, 2 remaining)
 Total: 9 development rights (5 existing or utilized, 4 remaining)

It is the intention of the owner/developer of Lot 2B to utilize the existing drive between Lot 1 and Lot 2 for ingress and egress. This is dependant upon an agreement to be signed by the present owners and users of the driveway. It is also the intention of the owner/developer of Lot 2B to utilize landscaping to screen the view of the existing houses.



PROPOSED THIRD SUBDIVISION ATKINS PROPERTY

(Proposed subdivision of lot 2)

Site Analysis
 Lot 2
 Deed Reference: 8481/680
 Zoning: D.R.3.5
 Total Acreage: 0.682 ac.
 Lot acreage: Lot 2: 0.380 ac.
 Lot 2B (Proposed): 0.302 ac.
 Density: 2 development rights (1 existing, 1 for proposed Lot 2B).

LOTS 1, 1A, 2A, and 3: Same as in Second Sub. Atkins Prop.

We, the undersigned, give our consent for the shown proposed subdivision of Lot 2, The Atkins Property.

Walter & Peggy Clary (Lot 3) Date

Dorothy Atkins (Lot 2A) Date

Robert & Janice Andrews (Lots 1 & 1A) Date

Pet. Holleman Ex. 2

Engineer: K.L.S. Consultants, Inc.
 102 North Main Street
 Bel Air, Maryland 21014
 (301)879/838-1441

Revisions	
PROPOSED RESUBDIVISION ATKINS PROPERTY	
*4816 KING AVENUE	
14 TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.	
Drawn By: D. FOSTER	Contract No.: 9085
Designed By:	Scale: 1" = 50'
Checked By:	Sheet: 1 of 1

granting of the requested variance relief, just not the home that he proposed.

Charles Holleman, owner of Lot No. 2, testified that when he purchased his property from his predecessor in title, he was unaware of the setback deficiency on his northwest property line abutting the proposed panhandle. He indicated that he would suffer an undue hardship and practical difficulty if the requested relief is denied. He also testified that he is desirous, in the future, of subdividing his lot to accommodate Lot 2B as indicated on Petitioners' Exhibit No. 1. However, in view of the fact that Lot 2B was not made a part of the requested relief, it may not be considered here and must be properly brought before the Hearing Officer via a separate Petition. Mrs. Virginia Holleman testified that she concurred with her husband's testimony.

Walter Clary testified that he resides at 4818 King Avenue and that his predecessor in title was his mother-in-law, Dorothy Atkins, the original owner of the subject tract. Mr. Clary testified that his main concern is preserving the integrity of the vegetative buffer along the rear of his property and that he objects to the granting of any variance relief that would intrude upon the quiet enjoyment of his property.

Dorothy Frado, a Protestant, testified that she resides at 7909 Hilltop Avenue, which is indicated as Lot No. 17 on Petitioners' Exhibit No. 1. Mrs. Frado testified that while she does not object to a home being constructed on Lot 1A, she does object to any variances being granted to accommodate a home that overcrowds the lot.

Mrs. Ida Gibson, a Protestant, presented a signed Petition marked Protestants' Exhibit No. 2 which consist of signatures of 20 individuals opposed to the granting of the requested relief.

-3-

Section 26-171(6) of the Baltimore County Code, formerly Section 22-42(b), affords minor subdivisions a limited exemption from the formal review procedure when:

... "a subdivision of land into three (3) or fewer lots for residential single-family dwellings, provided that they are not served by a panhandle driveway. If the lots are served by a panhandle driveway, the development is exempt from the requirements of Sections 26-203 and 26-205 only." (as amended)

The subject subdivision that was created in 1989 qualified to receive the limited exemption afforded by Section 22-42(6). However, although the subdivision was from exempt from the formal review process, it was still required to comply with Section 26-180 of the B.C.C., formerly Section 22-51. Section 26-180 reads in pertinent part, as follows:

"Compliance with other laws and regulations.

In addition to compliance with these development regulations, all development shall comply with all other applicable laws, rules, or regulations of the County. All other laws, rules, or regulations of the County affecting development are not superseded by these development regulations unless specifically so provided herein..."

Clearly, the subject subdivision fails to comply and is, therefore, illegal. The creation of Lot 2A and the subject panhandle has created the setback deficiencies on the Andrew and Holleman respective properties. The "practical difficulty" and "unreasonable hardship" pleaded is clearly self created; the direct result of the subject subdivision and not a result of the lay of the land. Such being the case, the subject subdivision was not in "compliance with all other applicable laws, rules or regulations of the County" when created as required by Section 22-51 of the Baltimore County Code (now Section 26-180).

-4-

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied.

The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. Clearly, the requested hardship was self inflicted. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

-5-

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 11th day of Sept, 1991, that the Petition for Special Hearing for approval to amend the variances granted in case No. 84-47-A is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to Petition for Zoning Variance, variances from Section 1B01.2.C.2.a and 1B01.2.C.6 (CMDPV.B.5.A) of the Baltimore County Zoning Regulations to permit a window to tract boundary of 15 ft. in lieu of the required 35 ft. (Lot 1A) and Section 1B01.2.C.6 (CMDPV.B.6.b) of the B.C.Z.R. to allow window to property line distances of 10 ft. (Lot 1) 10 ft. (Lot 1A) and 12 ft. (Lot 2) in lieu of the required 15 ft., in accordance with Petitioners' Exhibit No. 1, is hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 9/16/91
By Mr. Haines

-6-

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-468-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B01.2.C.2.a and 1B01.2.C.6 (CMDPV.B.5.A) to permit a window to tract boundary of 15 feet in lieu of the required 35 feet (Lot 1A) and 1B01.2.C.6. (CMDPV.B.6.b) to allow window to property line distances of 10 feet (Lot 1) 10 feet (Lot 1A) and 12 feet (Lot 2) in lieu of the required 15 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See attached sheet

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Dominic C. Martino, Jr. (Type or Print Name)	Robert J. Andrews, Janice G. Andrews (Type or Print Name)
<u>Dominic C. Martino, Jr.</u> Signature	<u>Robert J. Andrews, Janice G. Andrews</u> Signature
25 Coatsbridge Ct. Address	Charles F. Holleman, Virginia J. Holleman (Type or Print Name)
Baltimore, Md. 21236 City and State	<u>Charles F. Holleman, Virginia J. Holleman</u> Signature
Attorney for Petitioner:	4812 King Ave. - Andrews - 661-8490 4816 King Ave. - Holleman - 822-6603
Anthony J. DiPaula (Type or Print Name)	Address Phone No.
614 Bosley Avenue Signature	Baltimore, Md. 21236 City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204 City and State	Ronald M. Kearney, K.L.S. Consultants, Inc. Name
Attorney's Telephone No.: <u>828-9441</u>	102 N. Main St., Bel Air, Md. 21014 Address Phone No.
	879-1441

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of Sept, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of August, 1991, at 11:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 91-468-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve

a special hearing to amend the variances granted in

case 84-47-A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc. upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Dominic C. Martino, Jr. (Type or Print Name)	Robert J. Andrews, Janice G. Andrews (Type or Print Name)
<u>Dominic C. Martino, Jr.</u> Signature	<u>Robert J. Andrews, Janice G. Andrews</u> Signature
25 Coatsbridge Ct. Address	Charles F. Holleman, Virginia J. Holleman (Type or Print Name)
Baltimore, Md. 21236 City and State	<u>Charles F. Holleman, Virginia J. Holleman</u> Signature
Attorney for Petitioner:	4812 King Ave. - Andrews - 661-8490 4816 King Ave. - Holleman - 822-6603
Anthony J. DiPaula (Type or Print Name)	Address Phone No.
614 Bosley Avenue Signature	Baltimore, Md. 21236 City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204 City and State	Ronald M. Kearney, K.L.S. Consultants, Inc. Name
Attorney's Telephone No.: <u>828-9441</u>	102 N. Main St., Bel Air, Md. 21014 Address Phone No.
	879-1441

ORDERED By The Zoning Commissioner of Baltimore County, this day of, 19....., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the day of, 19..... at o'clockM.



J. Robert Haines
Zoning Commissioner of Baltimore County

DESCRIPTION

Beginning at a point on the north side of King Avenue, 70 feet wide, at a distance of 180 feet east of the centerline of Hilltop Avenue and running thence North 36 degrees 53 minutes 28 seconds East 425.16'; thence South 66 degrees 13 minutes 50 seconds East 208.66'; thence South 34 degrees 44 minutes 52 seconds West 396.15'; thence North 74 degrees 12 minutes 56 seconds West 208.21' to the beginning point.

Saving and excepting from the above property, Lot 2A as shown on the attached plat.

May 31, 1991

461
91-468-SPHA

461

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 14TH Date of Posting: 7/24/91
Posted for: Special Hearing & Variance
Petitioner: Robert J. Andrews, et al. & Dominic C. Martino, Jr.
Location of property: 1412-1416 King Ave.
Location of Sign: 1412-1416 King Ave.
Remarks:
Posted by: [Signature] Date of return: 8/4/91
Number of Signs: 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 14TH Date of Posting: 4/4/91
Posted for: Special Hearing & Variance
Petitioner: Robert J. Andrews, et al. & Dominic C. Martino, Jr.
Location of property: 1412-1416 King Ave.
Location of Sign: 1412-1416 King Ave.
Remarks:
Posted by: [Signature] Date of return: 11/7/91
Number of Signs: 1

receipt
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
5/30/91 H9100461
PUBLIC HEARING FEES QTY PRICE
010 - ZONING VARIANCE (1RL) 3 X \$35.00
TOTAL: \$105.00
LAST NAME OF OWNER: ANDREWS & HOLLEMAN
04A04#0015NICHRC \$105.00
Please Make Checks Payable To: Baltimore County 0002141PN05-30-91
Cashier Validation

receipt
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
6/03/91 H9101131
REVISED PUBLIC HEARING FEES QTY PRICE
100 - REVISIONS (1RL) 1 X \$35.00
Special Hearing Fee TOTAL: \$35.00
LAST NAME OF OWNER: ANDREWS & HOLLEMAN
04A04#0052NICHRC \$35.00
Please Make Checks Payable To: Baltimore County 000135AN06-04-91
Cashier Validation

CERTIFICATE OF PUBLICATION
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/11/91.
NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
S. Zebe Orleans
Publisher
\$70.76

CERTIFICATE OF PUBLICATION
TOWSON, MD. 7/12/91
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/11/91.
THE JEFFERSONIAN
S. Zebe Orleans
Publisher
\$70.76

111 West Chesapeake Avenue
Towson, MD. 21204
COPY
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-468-SPHA
N/S King Avenue, 180' Ely of centerline Hilltop Avenue
4812-4816 King Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Robert J. Andrews, et ux and Charles F. Holleman, et ux
HEARING: TUESDAY, AUGUST 13, 1991 at 11:00 a.m.
Special Hearing: To amend the variances granted in Case #84-47-A. Variance to permit a window to tract boundary of 15 ft. in lieu of the required 35 ft. (Lot 1A) and to allow window to property line distances of 10 ft. (Lot 1), 10 ft. (Lot 1A) and 12 ft. (Lot 2) in lieu of the required 15 ft.
Dear Petitioner(s):
Please be advised that \$12 C. 76 is due for advertising and posting of the above captioned property.
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.
Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND
cc: Anthony J. DiPaola, Esq.

receipt
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
7/12/91
Date
Please Make Checks Payable To: Baltimore County

OK# 2575
10-4-91
Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue
Towson, MD. 21204
COPY
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N/S King Avenue, 180' Ely of centerline Hilltop Avenue
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J. Robert Haines
Zoning Commissioner of Baltimore County
cc: Mr. & Mrs. Andrews
Mr. & Mrs. Holleman
Dominic C. Martino, Jr.
Ronald M. Kearney
Anthony J. DiPaola, Esq.

receipt
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number
7/12/91
Date
Please Make Checks Payable To: Baltimore County

11-4-91
OK# 9717
Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue
Towson, MD. 21204
COPY
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-468-SPHA
N/S King Avenue, 180' Ely of c/l Hilltop Avenue
4812-4816 King Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Robert Andrews, et al
Contract Purchaser(s): Dominic C. Martino, Jr.
HEARING: TUESDAY, NOVEMBER 26, 1991 at 2:00 p.m.
HEARING ON THE MOTION FOR RECONSIDERATION AS TO THE ORDER OF THE SEPTEMBER 11, 1991.
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND
cc: Dominic C. Martino, Jr.
Robert J. Andrews, et ux
Charles F. Holleman, et ux
Ronald M. Kearney
Norman R. Stone, Jr., Esq.
S. Eric DiNenna, Esq.
People's Counsel